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F.O. 413/57

F.O.
413

PART 45.

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF MOROCCO.

CLOSED UNTIL
1963
57

July to December 1912.

PUBLIC RECORD OFFICE, LONDON

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91	Mr. Kennard ..	230	Aug. 30, 1912	Accession of Mulai Yusef. Refers to No. 74. Consular body at Fez are awaiting instructions as to congratulating Sultan. German and Spanish Ministers are sending no instructions to their consuls, as they disapprove of way in which proclamation of new Sultan was made. Has instructed Consul MacLeod to take no action beyond a visit of personal congratulation to Governor of Fez. Mulai Hafid will arrive at Tangier next week	103
92	„ „ ..	231	31,	Raisuli. Expands No. 77. Does not understand meaning of this sudden attack by Spanish troops on Raisuli's forces. Should Raisuli resign a period of anarchy may ensue in country just outside Tangier. According to Colonel Silvestre no Spanish troops, but only native police, took part in the affair	103
93	„ „ ..	232	31,	Marrakesh. Refers to No. 75. Impossible to obtain any accurate information as to movements of Pretender and fate of French officials. Reports conversation with M. Gaillard, who said French vice-consul at Marrakesh had been ordered to leave city before it was too late, but refused to do so. M. Gaillard thinks general outlook very bad. Franco-Spanish incident has arisen at Mogador, where Spanish consul is said to be openly espousing Pretender's cause. British vice-consulate and post office and Messrs. Fernau's premises at Marrakesh have all been destroyed ..	105
93A	„ „ ..	99 Tel.	Sept. 9,	Marrakesh. Refers to No. 93. Is informed by French chargé d'affaires that Mangin's column entered city on 7th September, and that French prisoners have been rescued. Pretender is in flight towards the south ..	107*
94	„ „ ..	236	3,	Casa Blanca harbour works. Refers to No. 83. Explains relative position of M. Delure, the new Protectorate Director-General of Public Works, to M. Porché. Latter has promised to urge M. Delure to lose no time in coming to a final decision about contract	107
95	Mr. Rennie ..	141 Confidential	6,	Franco-Spanish negotiations (see No. 86). Minister for Foreign Affairs hopes convention will be signed shortly. Spanish Government were ready to accept French proposal of fixed payment instead of lines of transit. Convention must contain a clause definitely laying down limits of Tangier district. French Ambassador has discussed question of consuls at Mogador and Mazagan with Spanish Minister for Foreign Affairs, and informed latter that he was instructed not to continue the conversation till these incidents had been settled. Minister for Foreign Affairs much excited and pained	108
96	„ „ ..	87 Tel.	9,	Spanish consuls at Mogador and Mazagan (see No. 95). French Government will agree to Spanish proposals and desire Spanish Government to instruct their consular representatives in Morocco to co-operate with French authorities. Minister for Foreign Affairs agreed to do this ..	109

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No.	Name.	No.	Date.	Subject.	Page
97	Minute by Mr. White ..	..	Sept. 11, 1912	Sale of Makhzen lands (see No. 90). Memorandum by Mr. White on formalities required and application of Madrid Convention and Algeciras Act thereto. Discusses possibility of annulling sales of land. Remedy is in hands of French, who, if they choose, can put pressure on Basha of Tangier, who is chief offender. Proposes amended text for notice to be exhibited at British consulate	109
98	Mr. Rennie ..	88 Tel.	11,	Mazagan and Mogador incidents. Refers to No. 96. French Ambassador has not received instructions to renew conversations. French Government seem disinclined to send instructions to their agents to co-operate with Spaniards similar to those sent by Spanish Government to Spanish consuls	111
99	Mr. Kennard ..	102 Tel.	12,	Tangier public works. Project for road construction is to be submitted to diplomatic body on 14th September. It is proposed to build useless boulevard and drive at great expense and contract loan on "Caisse spéciale" funds. Project for waterworks (see Part 44, No. 137) is to be submitted in ten days' time. Requests instructions	111
100	To Mr. Kennard ..	42 Tel.	12,	Tangier public works. Refers to No. 99. Agrees with his views, and authorises him to protest against road scheme. As regards waterworks, His Majesty's Government adhere to opinion expressed in Part 44, No. 232, and he should request postponement	112
101	Mr. Kennard ..	238	6,	Makhzen lands. Refers to No. 90. Transmits annotations of diplomatic body on proposal to warn foreigners of illegality of sales. Proposal has been approved by all, and warning will, if Sir E. Grey approves, be now put up	112
102	" " ..	239 Most Conf.	6,	Arrest of Egyptians (see No. 78). Arrest took place without incident, and prisoners have been taken to Casa Blanca. Spanish Legation are not going to interfere, as final formalities in regard to Spanish protection had not yet been carried out. French chargé d'affaires has given details of personages and institutions in Egypt interested in anti-French movement in Morocco	113
103	Mr. Rennie ..	89 Tel.	14,	Raisuli (see No. 92). Spanish chargé d'affaires has come to a satisfactory arrangement with Raisuli	114
104	" " ..	90 Tel.	13,	Mazagan and Mogador incidents. Refers to No. 98. Serious hitch has arisen in connection with formula of instructions to consuls. Spanish Government are willing to repeat instructions to Spanish consuls to abstain from interfering in politics, but cannot instruct them to "co-operate" with French agents, which would be tantamount to recognising French protectorate	114

No.	Name.	No.	Date.	Subject.	Page
105	Mr. Rennie ..	91 Tel.	Sept. 14, 1912	Mazagan and Mogador incidents. Refers to No. 104. French Ambassador has been instructed to demand recall of Spanish consul at Mazagan. Spanish Minister for Foreign Affairs thinks Spanish Government will be unable to agree, and a rupture of negotiations may take place ..	115
106	To Mr. Kennard ..	43 Tel.	14,	Makhzen lands. Refers to No. 90. French Government are being approached and urged to issue stringent instructions to Basha of Tangier through Sultan. Proposes amended text of notice, which should only be put up if similar warning is issued by all the other legations	115
107	To Sir F. Bertie ..	454	14,	Sale of Makhzen lands. Refers to No. 84. Transmits Nos. 90 and 97. As Dette authorities cannot carry out M. Poincaré's instructions, he should urge that strong pressure be put on Basha of Tangier to cease his connivance, and that French Legation should be instructed to co-operate vigorously with Dette in stopping abuses in question	115
108	Mr. Rennie ..	92 Tel.	16,	Mazagan and Mogador incidents. Refers to No. 105. Reports formula regarding recall of Spanish consuls which Spanish Government have proposed to French Ambassador	116
109	To Sir F. Bertie ..	414 Tel.	16,	Mazagan and Mogador incidents. Refers to No. 104. Spanish Government have asked for British support in pressing acceptance of their proposals on French Government. They point out that they are ready to meet French demands in substance, and only want to avoid a humiliating formula. He should use his best endeavours to persuade French Government to consider Spanish proposals favourably, as a rupture of negotiations on the eve of a general settlement would do incalculable harm	116
110	" " ..	415 Tel.	16,	Mazagan and Mogador incidents. Refers to No. 109. French Government have agreed to Spanish proposal as to instructions to Spanish consuls in French zone, but have demanded practically in form of an ultimatum recall of Spanish consuls at Mogador and Mazagan, failing which they will withdraw French Ambassador from Madrid, and take other serious measures. Spanish Minister for Foreign Affairs has appealed to friendly offices of His Majesty's Government, as Spanish Government cannot yield to these French threats	117
111	Mr. Rennie ..	146 Confidential	13,	Mazagan and Mogador incidents. Recapitulates conversations and negotiations on the subject. Situation is very delicate ..	117
112	Sir F. Bertie ..	125 Tel.	16,	Mazagan and Mogador incidents. Refers to Nos. 109 and 110. Spanish formula reported in No. 108 has not yet reached Paris, but political director feels sure it will be accepted. Latter stated that if Spanish Government had refused to recall consuls French Government would not have withdrawn French Ambassador from Madrid, but General Lyautey would have persuaded Sultan to withdraw consuls' exequaturs ..	118

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No.	Name.	No.	Date.	Subject.	Page
113	Sir F. Bertie ..	126 Tel.	Sept. 17, 1912	Mazagan and Mogador incidents. Refers to No. 112. Reports text of new formula which French Government are proposing..	119
114	„ „ ..	127 Tel. Confidential	17,	Franco-Spanish negotiations. Refers to No. 113. French Minister for Foreign Affairs has proposed alternative formula, and, on its acceptance by Spanish Government, he will authorise M. Geoffray to resume negotiations. Minister for Foreign Affairs intends to demand that neither of Spanish consuls shall ever be given another appointment in Morocco, including Ifni	119
115	To Sir F. Bertie ..	458	17,	Casa Blanca harbour works. Refers to No. 83. He should inform French Government of apprehensions of His Majesty's Government that further delays will occur, and that though they do not wish to raise fresh objections, they earnestly hope French authorities will expedite matter ..	120
116	Sir F. Bertie ..	128 Tel.	18,	Mazagan and Mogador incidents. Refers to No. 117. Minister for Foreign Affairs has consented to Spanish amendment in formula on condition that it is well understood that recalled consuls will never be appointed to any posts in Morocco, not even Ifni	120
117	Mr. Rennie ..	93 Tel.	17,	Mazagan and Mogador incidents. Refers to No. 108. Reports amended formula submitted by French Ambassador to Spanish Minister for Foreign Affairs. Spanish Minister for Foreign Affairs will accept it with one amendment, and has promised that neither of the two consuls should be sent back to Morocco. Minister for Foreign Affairs cannot accept anything which implies that consul at Mogador was at fault	120
118	„ „ ..	94 Tel.	18,	Mazagan and Mogador incidents. Refers to No. 117. French Ambassador has telegraphed to Paris Spanish acceptance of French formula with one amendment. Minister for Foreign Affairs hopes that incident is now closed..	121
119	Sir F. Bertie ..	131 Tel.	19,	Mazagan and Mogador incidents. Spanish Government have accepted last French formula (No. 113), and question is therefore settled	121
120	Mr. Rennie ..	95 Tel.	19,	Mazagan and Mogador incidents. Refers to No. 118. French Ambassador states that French Government consider incident satisfactorily settled, and he has been authorised to resume conversations about Morocco Convention	121
121	Mr. Kennard ..	243	14,	Tangier roads. Expands No. 99. Transmits road project and reports conversations with Ali Zaky and M. Porché, which resulted in modification of scheme. Details of scheme have been discussed at meeting of diplomatic body, and further reductions have been made. Has insisted on being furnished with further financial information	122

No.	Name.	No.	Date.	Subject.	Page
122	Mr. Kennard ..	244	Sept. 14, 1912	Public works at Tangier. Refers to No. 137, and Part 44, No. 99. M. Porché has explained that he understood from Sir R. Lister that there would be no objection to his proceeding with the scheme for waterworks, tramways, &c., and that he would be placed in a very awkward position if he did not now submit the project; but he has promised to postpone any action till Sir R. Lister's return. Estimated cost of works is over 5,000,000 fr., and concessionnaire is to be given a financial guarantee against loss for the first few years ..	124
123	„ „ ..	245	14,	Marrakesh (see No. 93). Colonel Mangin's column entered Marrakesh on 7th September and released French prisoners. It appears that when French troops started Hadj Thami Glawi exhorted kaïds and people to expel the Pretender, and they responded to the call. Moral effect of fall of Marrakesh will be very great ..	125
124	To Sir F. Bertie ..	465	23,	Recall of Spanish consuls from Mogador and Mazagan (see No. 120). Spanish Ambassador states that formula to which Spain had agreed was only extorted from her by threats of French Ambassador at Madrid. Spain now clearly realised that France was her determined and bitter enemy, and her policy would be deflected accordingly ..	125
125	To French Ambassador	..	23,	Tangier. Refers to Nos. 68 and 72. Transmits memorandum setting forth in detail views of His Majesty's Government on future régime in connection with recent French proposals	126
126	To Mr. Kennard ..	122	26,	Tangier roads. Refers to No. 121. Approves his action. Will await further details, but meanwhile, unless scheme can be carried out without engaging revenues of municipality, His Majesty's Government would prefer omission of less pressing items. Points out that if Tangier lazaretto is still intended for whole of Morocco expenses should fall on all the ports jointly..	131
127	Mr. Kennard ..	251	Aug. 22,	Municipality at Fez. Refers to No. 51*. Transmits despatch from Consul MacLeod reporting results of election and names of successful candidates. Fully two-thirds of the electorate voted, and great interest was shown. French officials seem highly pleased	132
128	To Mr. Kennard ..	126	Sept. 30,	Public works at Tangier. Refers to No. 122. Sir R. Lister states that he had some conversation on the subject with M. Porché, who promised to give him a memorandum. M. Porché never did so, and apparently is trying to rush the matter through in Sir R. Lister's absence. Remains of opinion that works should be allowed to stand over till municipality is established	134
129	Mr. Rennie ..	151 Confidential	27,	Franco-Spanish negotiations. Reports present position regarding fixed payment to be substituted for lines of transit. Minister for Foreign Affairs is ready to meet wishes of French Government in regard to rectification of frontier on Muluya River. Spanish Government seem to consider convention now practically settled ..	135

No.	Name.	No.	Date.	Subject.	Page
130	Mr. Rennie ..	96 Tel.	Oct. 3, 1912	Franco-Spanish Convention (see No. 129). Hitch has occurred in negotiations, as French demand rectification of frontier on Muluya River beyond line which Spanish Minister for Foreign Affairs is prepared to agree to	135
131	Mr. Kennard ..	252	Sept. 26,	Lawlessness in Tangier district. Raisuli has called attention to fact that criminals escape from his district to Tangier, where they remain with absolute impunity. Has discussed matter with French chargé d'affaires, and urged dismissal of Basha of Tangier. Fears there will be no improvement in deplorable state of affairs till the municipality is established	136
132	" " ..	255	28,	Tangier roads. Refers to No. 121. Transmits report furnished to diplomatic body by State engineer, and calls attention to astonishing statement therein that it has proved impossible to obtain figures as to annual receipts of "Caisse spéciale." Reports further attempt to rush matter through, and action taken to prevent this..	137
133	Note communicated by French Ambassador	..	Oct. 4,	Public works at Tangier (see No. 122). French Government would be glad to learn why British chargé d'affaires at Tangier is obstructing waterworks and other schemes, and request that instructions may be given to Mr. Kennard to change his attitude	139
134	French Ambassador..	..	5,	Casa Blanca harbour works (see No. 94). Specifies necessary works, and expresses hope that His Majesty's Government will instruct their representative at Tangier to raise no objection to delay of 120 days between call for tenders and award of contract	139
135	Mr. Rennie ..	97 Tel.	7,	Franco-Spanish negotiations. Refers to No. 130. Spanish Government have decided they can go no further than concede to France ford over Muluya and 1 kilom. beyond. French Ambassador has submitted two formulas for customs "forfait"	140
136	" " ..	98 Tel.	8,	Franco-Spanish negotiations. Refers to No. 135. Spanish Minister for Foreign Affairs has informed French Ambassador that he would accept formula respecting "forfait" in a modified form provided that France would accept Spanish proposal respecting Muluya. Shortly afterwards French Ambassador received instructions to insist on demand for extensive Muluya frontier. Suggests representations should be made to French Government.. ..	141
137	To Sir F. Bertie ..	544 Tel.	9,	Franco-Spanish negotiations (see Nos. 97 and 98). Negotiations are again in critical state. Spanish Government wish to conclude agreement before 14th October, but if France will not accept latest Spanish proposal they would rather abandon agreement altogether. Hopes he may be able to induce French Government to show moderation, and not jeopardise general good relations with Spain by fresh demands	141

No.	Name.	No.	Date.	Subject.	Page
138	To Sir F. Bertie ..	493	Oct. 9, 1912	Lawlessness in Tangier district. Transmits No. 131. He should bring matter to notice of French Government, and express hope that French authorities may be directed to insisted on Basha of Tangier and Sultan's Commissioner doing their duty	142
139	To French Ambassador	..	9,	Casa Blanca harbour works. Refers to No. 134. Expresses satisfaction of His Majesty's Government at learning that steps are at last going to be taken to invite tenders, and states that His Majesty's Government have never contemplated raising objection to notice of contract being fixed at 120 days	142
140	Sir F. Bertie ..	165 Tel.	10,	Franco-Spanish negotiations. Has spoken to Minister for Foreign Affairs in sense of No. 137. Minister for Foreign Affairs has explained French point of view, and states that France cannot accede to Spanish claim respecting Muluya frontier. French Government are most anxious to conclude agreement, but Spain is always raising fresh issues	142
141	Mr. Rennie ..	99 Tel.	10,	Franco-Spanish negotiations. Refers to No. 136. Minister for Foreign Affairs very pessimistic, and talked excitedly of a rupture of negotiations and resignation. French Ambassador is instructed to adhere to French demand, and there is an undoubted chance of rupture. Enquires whether he may convey message of encouragement and expression of willingness to lend their good offices from His Majesty's Government..	143
142	To Mr. Rennie ..	79 Tel.	11,	Franco-Spanish negotiations. He can inform Spanish Minister for Foreign Affairs of Nos. 137 and 140, and tell him how greatly His Majesty's Government would deplore any action which would lead to a rupture of negotiations	143
143	Mr. Kennard ..	104 Tel.	12,	Tangier public works. Refers to No. 122. Public Works Committee has summoned meeting to consider waterworks project. Has insisted on postponement, and meeting has been cancelled	143
144	To French Ambassador	..	14,	Public works at Tangier. Refers to No. 133. Refers him to correspondence (see Part 44, Nos. 211 and 215), in which he was informed that His Majesty's Government considered these works should be reserved for municipality. Explains reasons of His Majesty's Government and their unwillingness to allow revenues of "Caisse spéciale" to be pledged before municipality has come into being	143
145	To Mr. Kennard ..	132	15,	Tangier public works. Refers to No. 132. Before discussing proposed works it is imperative that diplomatic body should be furnished with a full statement showing financial position of "Caisse spéciale." He should take steps to obtain such information	144

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No.	Name.	No.	Date.	Subject.	Page
146	Mr. Rennie ..	101 Tel.	Oct. 17, 1912	Franco-Spanish negotiations. Refers to No. 141. Spanish Minister for Foreign Affairs has agreed to French formula respecting Muluya, provided it is expressly stated that Sidi Marouf is included in Spanish zone, and he accepts "forfait" of 500,000 fr. on certain conditions ..	145
147	To Sir F. Bertie ..	510	18,	Franco-Spanish negotiations (see No. 137). Has informed M. Cambon of remarks of Spanish Ambassador, and urged that some way should be found of not allowing negotiations to break down on small points. M. Cambon said he would much prefer that matter should be dealt with in Paris. Leaves it to Sir F. Bertie to say whatever may be possible and opportune	145
148	Mr. Kennard ..	260	12,	Tangier public works. Refers to No. 128. Expands No. 143. Suggests serious investigation into administration of "Caisse spéciale," owing to numerous cases of bad work and questionable procedure. No action will be taken in regard to various schemes until return to Tangier of Sir R. Lister and Netherlands Minister ..	146
149	French Ambassador..	..	18,	Tangier municipality. Communicates French memorandum in reply to Foreign Office memorandum (No. 125)	146
150	Mr. Rennie ..	103 Tel.	22,	Franco-Spanish negotiations. Refers to No. 146. French Ambassador has submitted formula proposing that question of Muluya frontier should be decided by delimitation commission. Spanish Minister for Foreign Affairs has consulted Minister of War, and military authorities maintain their claim to Sidi Marouf. Minister for Foreign Affairs will consult Cabinet and try and devise fresh formula. Situation is delicate, and possibility of a rupture was discussed..	156
151	Sir F. Bertie ..	177 Tel.	23,	Franco-Spanish negotiations. Question of customs and debt has been settled in favour of Spain. M. Poincaré cannot promise to yield to Spanish wishes with regard to Muluya River, and limits of zone must be decided by the commission ..	156
152	Mr. Rennie ..	104 Tel.	23,	Franco-Spanish negotiations. Refers to No. 150. Minister for Foreign Affairs has communicated fresh formula to French Ambassador which represents utmost limit of concession. It appears substantially to meet French demands..	157
153	Sir R. Lister ..	106 Tel.	23,	Tangier roads. Refers to No. 145. Explains present position of matter, and urges acceptance of scheme. Ample funds are available, and future municipality could not object to construction of roads from "Caisse" funds. All the foreign representatives hold the same view	157
154	To Sir R. Lister ..	45 Tel.	24,	Tangier roads. Refers to No. 153. Authorises him to agree to scheme	158
155	Mr. Rennie ..	105 Tel.	25,	Franco-Spanish negotiations. Refers to No. 152. French Government have accepted latest Spanish formula regarding Muluya. Minister for Foreign Affairs hopes it will be possible to initial convention within five or six days	158

No.	Name.	No.	Date.	Subject.	Page
156	Sir R. Lister ..	108 Tel.	Oct. 25, 1912	Situation in Tangier district (see No. 138). French chargé d'affaires fully agrees with view of His Majesty's Government that Basha of Tangier is responsible for deplorable situation, and states that resident-general is most anxious to get rid of him. If this is done situation should change at once for the better	158
157	Minute by Mr. White	..	[Received Oct. 27.]	Tangier municipality. Minute by Mr. White on French memorandum (No. 149) ..	159
158	Mr. Rennie ..	161 Confidential	Oct. 26,	Franco-Spanish negotiations. Recapitulates negotiations respecting "forfait" clause and Muluya frontier. Minister for Foreign Affairs is very grateful for support and help of His Majesty's Government ..	165
159	Mr. Kennard ..	264	22,	Fez municipality. Refers to No. 127. Transmits despatch from Consul MacLeod reporting inauguration of municipality and enclosing copy of "Règlement intérieur"	167
160	Sir F. Bertie ..	469	Nov. 5,	Missionaries (see Part 44, No. 197). Transmits copy of note from M. Poincaré giving assurances that British missionaries will find in regulations to be issued eventually all the guarantees compatible with the maintenance of public order	170
161	To Sir M. de Bunsen	120	11,	Franco-Spanish negotiations (see No. 158). A hitch has occurred at last moment owing to French demand that Spain should not only refrain from fortifying coast line of her protectorate, but should not add to fortifications at Ceuta and Melilla. Spanish Government have decided they cannot give way, and there is a deadlock ..	171
162	Sir F. Bertie ..	475	9,	Lawlessness in Tangier district. Refers to No. 138. Transmits correspondence with French Government. M. Poincaré says in his note that badness of situation has been exaggerated. Basha of Tangier is chiefly to blame, and resident-general has been instructed to obtain his dismissal ..	171
163	Sir M. de Bunsen ..	110 Tel.	14,	Franco-Spanish Convention (see No. 165). French Ambassador being authorised to accept Spanish version of article respecting fortification of coast line, convention will be initialled at once. French Ambassador believes that his Government still intend to communicate text to British and German Governments	173
164	" " ..	111 Tel.	14,	Franco-Spanish Convention. Refers to No. 163. Has received from Minister for Foreign Affairs copy of convention and protocol concerning Tangier–Fez Railway, which were initialled on 14th instant. French Government are inclined to communicate these documents to all the Algeciras signatory Powers ..	173
165	" " ..	164	12,	Franco-Spanish negotiations (see No. 163). Hitch has occurred owing to a misunderstanding with regard to extent of coast line which is to remain unfortified, except in respect of existing Spanish fortifications. Difficulty has arisen in connection with an inaccurate translation of original Spanish demand, which French Government first accepted and now reject ..	173

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166	Memorandum by Mr. White	..	Nov. 14, 1912	Tangier municipality. Memorandum on discussions with French and Spanish representatives at Madrid in June and July	174
167	French and Spanish Ambassadors	..	18,	Franco-Spanish Convention. Text of convention and protocol relating to Tangier–Fez Railway	182
168	To Sir F. Bertie ..	557	18,	Tangier municipality. Transmits memorandum to be presented to French Government in reply to French memorandum (No. 149). Points out objectionable features of French proposals and anxiety of His Majesty's Government. Expresses desire that Spain should join in discussion, and that labours of commission of experts should be resumed as soon as possible	193
169	Mr. Kennard ..	275	16,	Tangier roads (see No. 154). Scheme has now been approved by diplomatic body, and has been referred to Makhzen for their approval. Transmits statement of revenue and expenditure of "Caisse spéciale" up to end of 1912. Large discrepancy between revenue and expenditure at Tangier	205
170	" " ..	279	16,	Tangier waterworks. Refers to No. 148. Notwithstanding views expressed by His Majesty's Government, Public Works Committee have met and considered scheme, which it was decided to submit to diplomatic body. Transmits and comments on "cahier des charges" submitted by M. Porché. Suggests that scheme for waterworks alone, which would not constitute a concession, but would be an ordinary adjudication, might prove best solution of the difficulty. Requests instructions	205
171	" " ..	280	15,	Tangier municipal police. Transmits circular from doyen respecting scheme for municipal police drawn up by Commission d'Hygiène. Discusses scheme, and requests instructions	206
172	Sir M. de Bunsen ..	113 Tel.	25,	Franco-Spanish Convention (see No. 167). Signature again delayed by French demand that some doubtful points should be cleared up by exchange of notes. German Ambassador has been instructed to observe that provision in article 17 relative to tobacco monopoly is inconsistent with principle of economic equality of Morocco underlying Franco-German treaty of 1911, and, as regards article 2 of railway protocol, that it will be necessary to proceed by adjudication as regards construction of line	211
173	Sir F. Bertie ..	494	23,	Tangier municipality. Has communicated British memorandum and substance of No. 168. M. Poincaré had not, owing to pressure of work, been able to give minute attention to every detail of Tangier question, but he would consider the matter, and give a reply	212

No.	Name.	No.	Date.	Subject.	Page
174	Sir F. Bertie ..	496	Nov. 26, 1912	Franco-Spanish Convention. Refers to No. 172. Has spoken to Minister for Foreign Affairs about German objections to treaty. As regards tobacco, M. Poincaré said there was no question of unity, but only of equality, of all nations in Morocco, while, as regards railway, company would have to ask for tenders, and thus principle of adjudication would be maintained	212
175	To Mr. Kennard ..	151	28,	Tangier municipal police. Refers to No. 171. Authorises examination of scheme by diplomatic body. It should be clearly understood that scheme is purely provisional, that hands of future municipality will not be tied in any way, and that police force will be under control of diplomatic body	213
175*	" " ..	51 Tel.	29,	Tangier public works. Refers to No. 170. His Majesty's Government remain of opinion that grant of concessions must be deferred till institution of municipality. He should inform his colleagues and use every effort to secure their concurrence	213*
176	Mr. Kennard ..	110 Tel.	30,	Tangier waterworks. Proposal is, as stated in No. 170, to consider waterworks alone, and not as a concession. Work would be adjudicated and expenditure met by loan from "Caisse spéciale." Is there any objection to scheme being approved now? ..	213
177	To Mr. Kennard ..	52 Tel.	Dec. 2,	Tangier waterworks. Refers to No. 176. His Majesty's Government have always deprecated any scheme which would engage municipal resources in advances, and are therefore opposed to separate grant of waterworks concession unless "Caisse spéciale" grant funds unconditionally as a free contribution not liable to repayment. But if general opinion of his colleagues is favourable to scheme our view might be reconsidered	214
178	" " ..	155	2,	"Caisse spéciale." Refers to No. 169. Statement of revenue and expenditure enclosed in No. 169 does not show to what purposes advances to "Taxe urbaine" have been applied. Requests him to obtain this information. Suggests that all advances to "Taxe urbaine" should be regarded as part of legitimate expenditure of "Caisse," in which case sums owing at Tangier would be merely a book debt. Enquires whether money to be devoted to road scheme is to be regarded as a free gift from the "Caisse," or as a loan to be repaid subsequently	214
179	" " ..	156	4,	Tangier waterworks. Refers to No. 170. He should use every effort to defeat scheme now put forward by M. Porché. As regards suggestion that scheme for waterworks alone should be put forward and submitted to adjudication, views of Foreign Office are explained in No. 177. Comments on "cahier des charges" ..	215

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180	To Mr. Carnegie ..	584	Dec. 5, 1912	Franco-Spanish Convention (see No. 167). He should convey thanks of His Majesty's Government for communication of convention, which His Majesty's Government are examining. They do not understand exact arrangements contemplated as regards adjudication in case of Tangier–Fez Railway, and he should endeavour to obtain explanation from Minister for Foreign Affairs	215
	„ Sir M. de Bunsen	126			
181	Sir E. Goschen ..	502	4,	Franco - Spanish Convention. Under-Secretary of State for Foreign Affairs stated in Reichstag that German interests were not adversely affected. The treaty had given rise to small objections on only two points, and German Government had already received binding assurances from both Governments which removed their objection on one point	216
182	Mr. Kennard ..	292	Nov. 29,	Decree imposing a servitude on all land comprised within 250 metres outside fortifications of certain towns in French zone. Transmits despatch from His Majesty's consul at Casa Blanca reporting attempt to enforce decree on Messrs. Murdoch, Butler at Saffi. Points out that decree appears to infringe treaty rights, and suggests vigorous representations ..	217
183	„ „ ..	295	30,	Tangier roads. Refers to No. 169. There has been some difficulty about securing approval of Makhzen, but this seems now to have been given definitely. Does not propose to take further action in the matter	218
184	„ „ ..	296	30,	Tangier waterworks. Refers to No. 175*. Transmits circular from doyen covering letter from President of Public Works Committee. Doyen thinks solution of difficulty could be found in proposal that waterworks should be constructed by Public Works Department on a loan guaranteed on Tangier's share of "Caisse spéciale" funds. Understands that majority of diplomatic body would accept this solution..	218
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CONFIDENTIAL.

Further Correspondence respecting the Affairs of Morocco.

Part 45.

[27712]

No. 1.

Sir R. Lister to Sir Edward Grey.—(Received July 1.)

(No. 151. Very Confidential.)

Sir, *Tangier, June* 19, 1912.

WITH reference to my despatch No. 102 of the 13th ultimo,* I have the honour to transmit to you herewith copy of a further despatch which I have received from His Majesty's consul at Casa Blanca, giving more detailed information with regard to the proposed port works at Fedalla.

I mentioned the matter confidentially to the doyen the other day; he told me that reports that some sort of works was projected there had also reached him; he suggested sounding our German colleague on the subject, and promised to let me know what he was able to find out. Yesterday M. de Rappard told me that Baron von Seckendorff had spoken to him very openly on the matter. He had, he said, received a telegram from his Government on the 1st instant stating that reports had reached them to the effect that the French intended building port works at Fedalla, and instructing him to enquire into and report fully upon the matter. Baron von Seckendorff told M. de Rappard that he had ascertained the following facts: the ground upon which the proposed works were to be constructed belonged originally to a German subject, Tonnech by name. He had sold the land to a French company, of which M. Herseut and a M. Guilbert were the principal members, for 500,000 fr., two-thirds of which had been paid to him in money, and the remaining third in shares. The company proposed building a jetty at once, and if no objections were raised their intention was to build a port at a cost of 5,000,000 fr., without putting the work up to adjudication. Owing to the fact that M. Tonnech had a participation in the company, and that the Mannesmann's had property in the neighbourhood which would profit by the port works, they had great hopes that no objection would be raised by the German Government. Baron von Seckendorff telegraphed this information to his Government on the 5th instant, but has not yet received a reply.

The idea that port works to the value of 5,000,000 fr. should be undertaken by a private company without any form of adjudication is quite inadmissible, and if contemplated with the sanction of the French authorities, appears to me to give us ground for serious complaint. At the same time after all the unpleasantness we have had lately in connection with their attitude on the question of the Casa Blanca Lighters Shelters, I should be loath to lead a further attack, and I would suggest that in any case we should await the answer from Berlin, the substance of which I can ascertain by means of M. de Rappard, without Baron Seckendorff's knowing that I have moved in the matter at all.

It is rather a strong order, if the French Government, immediately after agreeing (under compulsion, I must admit) to submit the Casa Blanca works to a proper

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adjudication, connive with a French company to withdraw from adjudication port works on a far larger scale at Fedalla, and I trust that the scheme may be abandoned before matters come to a head.

I have, &c.
REGINALD LISTER.

P.S.—Since writing the above a rather amusing incident has occurred. Mr. Harris tells me that he saw M. René Leclerc, one of the principal members of the Comité du Maroc, yesterday, and asked him whether there was any truth in the reports which had reached him that a French company intended building port works at Fedalla. M. Leclerc replied in the affirmative and spoke with glee of the powerful firms (Herseut, &c.,) which were interested. Mr. Harris asked how they were going to arrange with regard to adjudication. M. Leclerc said that, of course, there could be no question of adjudication as the land all belonged to the French company, even the reef running into the sea. Mr. Harris replied that he was very glad to hear this; that he himself owned something like a mile of the coast in the Bay of Tangier, that he would vastly prefer forming a small private company (which would be easy as his father and brothers' firm themselves executed such works) and building a port himself, without adjudication; that he would quote M. Leclerc and the Comité du Maroc, and that it was evident that what was possible for a French company was equally possible for an English one. M. Leclerc blustered a good deal, but could find no answer, and Mr. Harris left him in a somewhat uncomfortable frame of mind.

R. L.

Enclosure in No. 1.

Consul Madden to Sir R. Lister.

(No. 99. Very Confidential.)

Casa Blanca, June 11, 1912.

Sir,

WITH reference to my despatch No. 71 of the 7th May last, relative to the port of Fedalla, I have the honour to further inform your Excellency that I learn from a private and confidential source that the works referred to in my previous despatch are to be begun in about a month's time.

It appears that these works, which consist of a sort of jetty, and some protecting works to be constructed between the mainland and the island on the north-west side of the bay, are not to be put up to adjudication, but to be built by a company which has acquired the land on the bay. If, however, there should be an objection made by the Germans against the works not being adjudicated for, the military will do the work themselves; and, moreover, it is possible that the Germans may make some such objection as the Mannesmanns have landed interest there, though not very large ones I was told.

There seems some relief, too, that it is not intended to limit the use of Fedalla to purely military needs, but for commerce also; but such hopes would seem rather illusory, as the grain could not bear the cost of transport to Fedalla, and will continue to come to Casa Blanca, and merchants will certainly not leave Casa Blanca and instal themselves at Fedalla because a port is made there.

Besides, Fedalla is said to be a bad place in rough weather, and the surf beats in there heavily. Possibly the projected protection above referred to may improve this.

The protected water, inside the new wall between the bay on the mainland and the island, is to be used for coastguard vessels, I was told.

I have, &c.
A. M. MADDEN.

P.S.—The land in question on the bay and the island have been purchased from a German owner, who is, I believe, part-owner with a Frenchman, but not from the Mannesmanns.

A. M. M.

[27713]

No. 2.

Sir R. Lister to Sir Edward Grey.—(Received July 1.)

(No. 152.)

Sir,

Tangier, June 19, 1912.

I HAVE the honour to transmit to you herewith copy of a despatch which I have received from His Majesty's consul at Fez reporting that M. Gaillard, chief of the "secrétariat" of General Lyautey, had mentioned to him that it was proposed very shortly to make some changes in regard to the taxes levied at Fez.

I share Mr. MacLeod's view that the abolition of the "illegal" taxes to which he refers would be excellent, and have telegraphed to him in this sense; at the same time I have made it clear that at present the taxes mentioned in article 65 of the Act of Algeciras cannot be introduced without the co-operation of the diplomatic body. The matter would consequently have to be officially referred to us first.

I talked the matter over with the doyen, who fully endorsed my view.

I have, &c.
REGINALD LISTER.

Enclosure in No. 2.

Consul MacLeod to Sir R. Lister.

(No. 62.)

Sir,

Fez, June 8, 1912.

WITH reference to my despatch No. 29 of the 8th May, I have the honour to report that M. Gaillard, chief of the "secrétariat" of General Lyautey, mentioned to me yesterday that it was proposed very shortly to make some changes in regard to the taxes levied at Fez.

Speaking generally, the idea was to abolish all those taxes which, being really illegal, had not hitherto been paid by foreigners, protected persons, or privileged persons.

The taxes to be collected in Fez were to be used for town purposes exclusively, and would not be, as before, used by the Sultan. For the latter's expenses provision had been made out of State funds.

In order to meet municipal expenses, which would be considerable by reason of improvements already in progress, such as street lighting, street cleaning, &c., it was proposed to continue the "legal" taxes (already payable by everybody) and to supplement them by the introduction of the taxes authorised by the Act of Algeciras, article 65, in so far as the circumstances of Fez admitted of them. [I assume these to be (*a*) stamp duty on contracts and notarial acts signed before an adool; (*b*) a transfer tax, not exceeding 2½ per cent. on sales of real estate; (*d*) a passport fee to be levied from Moorish subjects.]

It will be observed that the new taxes will affect, for the most part, only well-to-do people and townspeople; while, on the other hand, the abolished taxes relieve (1) country people resorting to Fez to purchase commodities, and (2) the tradesmen who make shoes, haiks, &c., and sell their wares by auction to shopkeepers. This latter class of taxes, *i.e.*, the "emkass," has always been much detested. It is collected in tiny sums at a cost with an amount of friction quite out of proportion to its value as a source of revenue.

M. Gaillard's remarks were quite general and informal, and so I am unable to go into details. In principle, however, the changes seem very commendable, because (1) they will remove what is an acknowledged injustice, *i.e.*, the payment of taxes by non-protected persons from which protected persons are exempt; (2) the constant irritation over the "emkass" by reason of its touching the poorest classes both of townspeople and countrypeople. For these reasons I should expect the changes to be popular.

Presumably these changes will be notified formally and in detail before being put into practice, and therefore, of course, I shall report upon them to obtain your Excellency's directions, inasmuch as by article 65 of the Act of Algeciras the co-operation of the diplomatic body is required.

Possibly, however, in view of the pressure of present circumstances and the chance of its being desired to settle the matter before General Lyautey leaves Fez, I could have instructions whether or not to facilitate the matter in any way that offers. In

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that connection I would remark that I may have special duties about it, inasmuch as I am now the "doyen" of the consuls here, and also because Portuguese and American protégés apply to me for guidance on such matters. A brief telegram in code, conveying a hint from your Excellency and the Portuguese and American Ministers as to the attitude to be taken on the subject, might therefore be of value to me.

I have, &c.
J. M. MACLEOD.

[27715] No. 3.

Sir R. Lister to Sir Edward Grey.—(Received July 1.)

(No. 154.)
Sir, *Tangier, June 23, 1912.*

I CANNOT help feeling a certain amount of apprehension with regard to what is going on in connection with "Habous" properties in Tangier and its neighbourhood.

As you are aware, the revenues from such properties are devoted to the upkeep and repairs of mosques, to the relief of distress, hospitals, and various charities. The ernt paid for these properties, which in many cases was fixed years ago, was really only nominal, and it was always anticipated that the whole question would one day be put upon a proper basis, when it might well be expected that a considerable revenue would be derived from them.

During the last few months the young Basha of Tangier, a son of the Grand Vizier, El Mokri, has succeeded in obtaining from his father orders to exchange "Habous" properties for others. The properties which he has given in exchange represent a value slightly superior to the nominal value of the "Habous" properties, but far inferior to their real value. If this is allowed to go on, a great number of "Habous" properties will be alienated, and, when the municipality takes over Tangier and the internationalised zone, we shall find that it has been defrauded of what was counted upon as a considerable source of revenue.

Many of my colleagues share my views on this subject, and I would suggest the advisability of my being instructed to lay the matter before the doyen of the corps diplomatique with a view to steps being taken to put a stop to any further tampering with "Habous" properties pending the settlement of the whole question, as provided for under article 63 of the Act of Algeciras.

I have, &c.
REGINALD LISTER.

[27716] No. 4.

Sir R. Lister to Sir Edward Grey.—(Received July 1.)

(No. 155.)
Sir, *Tangier, June 23, 1912.*

THE French agent came to see me this afternoon. He told me that he was much worried at the way things were going with regard to the incidents with German subjects in the Gharb, which formed the subject of my despatch No. 122 of the 26th May.

It appears that a commission was appointed, consisting of M. Schabinger, dragoman of the German Legation, and M. Marchand, French vice-consul at Laraiche, to examine into what had taken place on the spot. The attitude of M. Schabinger, M. de Billy said, had been most aggressive and violent throughout; he had had rows with various French officers, and had finally gone off at a moment's notice without giving any reason or taking leave of anyone and returned to Tangier. Baron Seckendorff had called upon M. de Billy yesterday, and had assured him that M. Schabinger's departure did not in any way mean that the negotiations were broken off; he had merely come back for instructions, and would return at once. Baron Seckendorff, M. de Billy said, had been most amiable and conciliatory, but M. Schabinger's attitude had given him the impression very strongly that he (M. Schabinger) was trying to create trouble. In any case, little progress had been made towards a settlement, as both sides maintained their stories, which were almost diametrically opposed one to the other.

I personally believe that M. de Kiderlen-Waechter intends to make things as difficult and uncomfortable as possible for the French in this country.

I am, &c.
REGINALD LISTER.

[27717] No. 5.

Sir R. Lister to Sir Edward Grey.—(Received July 1.)

(No. 156.)
Sir, *Tangier, June 24, 1912.*

I HAVE the honour to transmit to you herewith copy of a despatch which I have received from His Majesty's consul at Fez with regard to the measures and methods which the resident-general proposes to adopt.

I have, &c.
REGINALD LISTER.

Enclosure in No. 5.

Consul MacLeod to Sir R. Lister.

(No. 65. Confidential.)
Sir, *Fez, June 17, 1912.*

IN the course of an interview I had with General Lyautey these days, he was kind enough to explain, in a most confidential way, certain of the measures and methods he proposed to adopt.

First of all, as regards the military part. His troops are now dispersed from Casa Blanca to Fez in such wise that at any moment any area near the line can be attacked by two (and in some cases three) columns at once. This prevents any seriously large assembling of tribesmen.

For instance, from Fez he had sent a column of 5,000 men and 12 guns to the east slowly. They would go no great distance—perhaps 30 miles or so. A further column of 2,000 would be told off to take supplies backwards and forwards. Then from Sefrou a small column would march against the tribes 15 miles or so south of the big column's line. The main Fez column and the Sefrou column would then move circularly in such wise as to meet, or nearly meet, each other, with the result that a certain area of country would be effectually controlled. What happened then was that the inhabitants therein submitted, and instantly a local native administration would be organised for the preservation of order and self-defence of the area with the help, at first, of a small post of troops, whose duties were mainly to supervise the local organisation. This done, another base could be formed and the further adjacent areas be reclaimed and maintained in the same way.

General Lyautey added that it had been, and was still, his doctrine that it was useless merely to punish tribes. Submission must instantly be followed up by some permanent organisation for the keeping of order. For this reason he was absolutely against the practice hitherto followed of merely establishing a line of posts and making incursions hither and thither, and leaving the tribe as it was. The impression spread, however falsely, thereby was mostly that the French forces had been defeated.

(I would remark, in passing, that the working out by the columns here and on the Moulouya of this plan of General Lyautey's obviously must result in the circles formed by the columns eventually intersecting each other, and thus reclaiming the whole Fez–Taza area, without the great bloodshed and expense of a campaign on a big scale.) Put in other words, his plan seems to be to overawe a small area, then immediately organise it, overawe another area, organise it, and so forth. By this plan only a little at a time is attempted, but each area gained is organised in such wise as to contribute to the acquisition of the next area, and so forth.

General Lyautey remarked that for the perfect working of the plan he would be the better for some more troops. (Presumably he was referring to the usefulness of having a spare big column to relieve the main one when it became fatigued), but he felt very confident the plan would succeed here quite as well as (under his supervision) it had done on the eastern frontier of Morocco.

Turning to other matters, General Lyautey informed me, also in strict confidence, that he had decided to withdraw the "état de siège" courts-martial, &c. These were

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obviously inconsistent with a protectorate policy, by which the native authorities do the work of administration in the eyes of the native public. The trouble, however, was that he was bound to follow the procedure of the law which had been resorted to and so the transference of the dossiers of each case, and also the transference of the prisoners from the courts-martial to the Basha would take time to carry out.

(It is difficult to avoid the surmise that it will call for some legal ingenuity, if not even some sophistry, to effect these steps without reflecting on the lawfulness of General Moinier's action in proclaiming that the Fez population were to be, from 25th April, justiciable by French law for crimes committed under Moorish law (the only law known to them) from the 17th April onwards, besides the fact that the Moorish law is quite as severe and quite as summary as any European military law. As regards the policy or impolicy of General Moinier's action, there is practically no disagreement of opinion. These French courts-martial and executions by French troops infuriated the tribes and led them to the attacks on Fez and other fightings from the 25th May onwards, which probably would not have happened had the Moorish authorities been allowed to deal with the guilty parties in the native fashion.)

Proceeding, General Lyautey said that he was sparing no effort to disunite and conciliate the insurgents. Three influential Shereefs and a member of the "Bureau des Renseignements" were with General Gouraud's column to enter into negotiations whenever possible. (I may remark here that from other sources I have heard that not only is this true, but that money is not being spared towards procuring the support of leading men in certain sections of Hiayna, the largest of all the revolted tribes and the one through whose lands lie some 40 of the 60 miles of road from Fez to Taza.)

Then in regard to the townspeople, General Lyautey said he had been meeting as many of them as possible, and he was sure they were learning that he was a good friend to them. For instance, in regard to the mosque at Bab Al Gisa captured and used by the enemy on the 25th to 26th May and recaptured by the French troops, he had freely restored it to the people, stipulating only that a door should be made by which the soldiers should, on occasion, have access to the mosque tower, as the tower commands the city gate there.

On every side I hear from Moors that General Lyautey's action in this matter has, following on his abandonment of the demand for a "fine" from the city for the mutiny of the 17th to 20th April, evoked most kindly feelings to him amongst the inhabitants, which, it is to be hoped, will gradually be found by the tribespeople also.

I have, &c.
J. M. MacLEOD.

[27955] No. 6.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 1.)

(No. 57.)
(Telegraphic.) *Madrid, June 30, 1912.*

MY telegram No. 55 of 28th June.

French Ambassador has informed Spanish Government that, subject to agreemen on other points, French Government consent to leave Mount Gani in Spanish zone provided that Spain will undertake not to fortify mountain and will agree that, in the event of military action becoming necessary there, France and Spain shall take measures jointly.

(Repeated to Paris.)

[27543] No. 7.

Sir Edward Grey to Sir M. de Bunsen.

(No. 50.)
(Telegraphic.) *Foreign Office, July 1, 1912.*

YOUR telegram No. 54 of 28th June: Tangier municipality.

I shall be glad to hear what are French objections to formula defining powers of municipality.

Question of composition of municipality seems eminently one to be discussed and settled by delegates at Madrid, who presumably all have requisite local knowledge. Mr. White knows my views and can inform me of any modifications he thinks acceptable.

As regards manner of setting up the municipality, French Ambassador here has just communicated to me further memorandum explaining views of his Government. This is now being considered.

I see no reason for exclusion of Sultan's representative from supervisory body, and Spanish apprehensions seem to have no real foundation.

(Repeated to Tangier, No. 29.)

[27657] No. 8.

Sir Edward Grey to Sir M. de Bunsen.

(No. 51.)
(Telegraphic.) *Foreign Office, July 2, 1912.*

YOUR telegram No. 56 of 29th June: Customs control in Morocco.

I must defer decision pending receipt of report of mixed commission. Concession mentioned in last paragraph of your telegram should certainly be secured to municipality.

(Repeated to Tangier, No. 30.)

[28404] No. 9.

Sir Edward Grey to Sir M. de Bunsen.

(No. 69.)
Sir, *Foreign Office, July 2, 1912.*

THE Spanish Ambassador told me to-day that the one outstanding point between France and Spain was that of the appointment of the Khalifa in the Spanish zone. The French desired that two names should be submitted to the Sultan by the Spanish Government. The latter feared that, if they submitted two names, the French would use their control of the selection to secure that the candidate who owed his selection to them would be amenable to their influence. The Ambassador wished to have my opinion.

I asked him whether he knew the conditions on which the post of Khalifa would be held? If the Khalifa was appointed for a limited term, say three years, and was dependent upon Spain for the renewal of his appointment, he would be amenable to Spanish influence, and the question of submitting one name or two names to the Sultan would have little importance.

The Ambassador said that he did not know what the conditions of the appointment would be.

I replied that it seemed impossible to give an opinion without knowing these.

I am, &c.
E. GREY.

[28170] No. 10.

Sir R. Lister to Sir Edward Grey.—(Received July 3.)

(No. 159. Confidential.)
Sir, *Tangier, June 26, 1912.*

AS I had the honour to report in my despatch No. 145 of the 16th instant, Dr. Verdon left Fez with the Sultan and M. Regnault, and reached Tangier at the end of the following week. Immediately after his arrival he came to see me and told me that, before parting with the Sultan, the latter had made him promise that he would come and see him at Rabat, as he wished to speak to him on a most confidential subject. Dr. Verdon reluctantly agreed, and went last week to Rabat. He returned two days ago, and brought me round the enclosed notes of his conversation with the Sultan, and also of one which he subsequently had with the Grand Vizier.

Dr. Verdon tells me that the Sultan is in a most advanced state of neurasthenia, and his view is confirmed by Sid Taib Mokri, who arrived with Dr. Verdon from Rabat, and who says he thinks His Shereefian Majesty might go off his head at any moment, especially if worried or frightened in any way, and, above all, if thwarted in his desire to abdicate. Dr. Verdon says that in any case he is absolutely useless to the French; nay, more, he can only be a source of the greatest difficulty to them, as he is

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determined to obstruct in every way in his power so as to oblige them to let him go. The Sultan has made Dr. Verdon promise to go back to Rabat, and attend him until the three months are up and he abdicates.

After seeing Dr. Verdon I asked the French chargé d'affaires to come and see me, and gave him a summary of what Dr. Verdon had told me. He thanked me, and said he would at once communicate with the resident-general. It was of course impossible that the French Government should grant the Sultan the palaces and the allowance which was to have been allowed him as Sultan, to which I naturally agreed. I said, however, that I imagined that some arrangement must have been made between His Majesty and General Lyautey during the last days before his departure, when the question of his abdication had been discussed in every detail.

M. de Billy said that this was very possible.

Dr. Verdon is returning to Rabat in a few days, and he is to tell the Sultan that I have spoken very earnestly and confidentially to M. de Billy of his wishes, and that I feel convinced that the French Government will carry out any engagement which they may have taken with him in the event of his abdication.

I have, &c.

REGINALD LISTER.

Enclosure in No. 10.

Memorandum by Dr. Verdon on a recent Conversation with the Sultan.

ON the evening of my arrival at Rabat (19th June) the Sultan received me. Mokri was the only other person present. His Shereefian Majesty told me to inform my Minister, from him, that it was his irrevocable intention to abdicate at the end of the three months arranged with General Lyautey. I pointed out that His Shereefian Majesty would do well, in my opinion, not to make any decision until the end of the three months, and to give the new policy promised by General Lyautey a fair trial. He said nothing would lead him to change his mind, that he was at Rabat under the observation of the French consul, who might see for himself that he was not corresponding with the tribes or anyone else; he said also that he would do nothing for the French, and only desired that they should make someone else, such as Mulai Abdul Aziz, Sultan in his place. I said that I was sure that he would do himself harm and cause my Minister disappointment if he did not sign the Franco-Spanish agreement. His Shereefian Majesty said, "Tell your Minister, from me, that I am fully prepared to sign the Franco-Spanish agreement immediately it is brought to me, and that on that score he need have no fear." His Shereefian Majesty became very agitated and said, "Tell your Minister that I am in great fear of the French; they forced me to sign the protectorate treaty against my wish, and I am in great fear that they may do something to me and bring pressure upon me to remain Sultan, and make me do things for them which I do not wish to do; that I rely upon the friendship that existed always between my father and the English, as also upon the friendship established at Fez between your Minister and myself. Tell your Minister I take refuge with him" (and the Sultan spread out the border of his selham, as Moors do). "We," he said, "regard the English as the most just nation." He told me he had sent for me to take this message, as he knew me to be a reliable man, and all his people spoke well of me, and he relied upon me to keep the matter quite private. I told the Sultan that I would faithfully convey his message to my Minister and would bring him the answer. The Sultan told me he was not well, and he is certainly in a very nervous, excited state. He asked me to forego my leave for the present and come to Rabat. This I promised to do. The Sultan told me that at the end of the three months he desired to go to Tangier, and later to Mecca.

The Sultan then dismissed El Mokri, and told me to go to the room of the Acting Hajib Ben Asoos. The Sultan came to me there and repeated his instructions, and told me to tell you that there were three matters of importance:—

1. That he should be allowed to abdicate at the end of the three months, as he had agreed with General Lyautey. He said he had a signed agreement of General Lyautey to this effect.

2. That he should retain all the properties the French had granted him (I believe when he signed the protectorate). He said he had the signed agreement of the French Government to this.

3. That he should have the "muna" agreed to by the French, whose signed agreement he had.

The Sultan is terrified of the French, and from his saying that he was at Rabat under the observation of the French consul there, who would see that he wrote no letters, it would seem that somebody French must have accused him of having played a part in the recent rising at Fez. I know that many of the military people there were at first of the opinion that the Sultan had done so. Anyhow, the Sultan told me frankly that he feared the French would do something to him. In his present neurotic state the Sultan is, in my opinion, incapable of doing any work. I saw Mokri alone at his house on the following day, and he told me the same, and said that from morning to night Mulai Hafid talked of nothing else but of his fear of the French and his desire to escape from them. Mokri said that they tried to persuade the Sultan not to abdicate for a year's time, but that it was quite useless, and that he was quite sure that Mulai Hafid and the French would never work together. The Sultan was "difficult" and the French were "difficult." Mokri said that, had M. Regnault remained, the Sultan would have postponed his abdication for some time, but when he met General Lyautey and conversed with him, he decided to abdicate shortly.

According to Mokri, the return of Abdul Aziz would render the task of all easier, but he was afraid that Mulai Abdul Aziz would not be able to work with the French. Mokri added, "We all want to resign."

I asked Mokri about Mulai Yussef. He said that he was, he thought, the best man, being much superior to Mulai Zinn or Mulai Kebir, and that Mulai Yussef is a "miskeen" (poor creature), and had little influence, if any, over the tribes, but that he was better-mannered and more intelligent than the other Shorfas. I have the same opinion of Mulai Yussef.

[28174] No. 11.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 3.)

(No. 97. Confidential.)

Sir, *Madrid, June 29, 1912.*

THE meetings of the Tangier commission have been temporarily suspended, as a point has been reached at which it is necessary that further instructions should be received from the respective Governments before the discussion can be carried further.

M. Guiot left this morning for Paris, on the advice of M. Geoffray, in order to discuss certain points with M. Poincaré. He told Mr. White in confidence that it was evident that some influence was at work at the Quai d'Orsay to stiffen the opposition to any weakening of the French position in the international zone. This was shown in other ways besides the instructions he had received to withdraw his acceptance of the formula defining the powers of the municipality and to be careful not to agree to any concessions without special instructions. M. Guiot hoped to be able to induce his Government to revert to their previous decision to meet the wishes of His Majesty's Government for a truly international Tangier. He will probably return to Madrid within the next few days. In the meantime Mr. White will continue to discuss with M. Padilla and with M. Hontoria some of the points on which there exists a divergency of views.

Mr. White considers that on M. Guiot's return it might be advantageous to communicate to him the general lines of the draft regulations transmitted in Sir R. Lister's despatch No. 27 of the 17th February, and, should he express general approval thereof, the commission might even take upon itself to draft regulations on those lines for submission to the foreign representatives at Tangier. M. Guiot is a man of much broader mind than M. de Billy, as well as being specially competent in such matters, and one could not but gain in having his collaboration instead of that of M. de Billy. Sir R. Lister, who has been consulted on this point, approves the idea, but thinks that, should it be adopted, Germany's acquiescence therein should be obtained, as he understands that enquiries are already being made by her as to why the question of Tangier is being discussed by the three Powers alone.

Mr. White mentioned to Sir R. Lister his doubt whether we were well advised in excluding all officials from the municipal council; M. Guiot having appeared to have an open mind on this point and having stated that, if foreign officials are excluded, the same rule must apply to Moorish officials. Sid Ali Zaki, in conversation with Sir R. Lister and Mr. White some time since, had strongly urged that officials should be admitted with a view to obtaining some really competent men on the council, and had suggested that a suitable British official be brought from Egypt for the purpose and be

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given some appointment at the legation or consulate-general. The exclusion of Moorish officials would prevent the appointment of Sid Ali Zaki on the council, and Sir R. Lister is of opinion that he would be a most useful person to have in that body. Sir R. Lister has now telegraphed strongly expressing the opinion that it would be better, if possible, not to exclude foreign or Moorish officials from the council, and Mr. White would be glad to receive further instructions on this point.

I am sending a copy of this despatch to Sir R. Lister.

I have, &c.
MAURICE DE BUNSEN.

[28185] No. 12.

Sir R. Lister to Sir Edward Grey.—(Received July 3.)

(No. 67.)
(Telegraphic.) *Tangier, July 2, 1912.*

MY telegram No. 66 of 28th June: Situation in south.

Following from His Majesty's consul at Fez:—

"Resident-general entirely agrees with your view of gravity of southern situation. It is impracticable, however, to send military forces thither at present, and, on account of intrigues of Sultan just discovered towards embroiling southern chiefs with each other and with French, he considers great caution necessary.

"Resident-general has telegraphed urgent instructions to French consuls at Morocco city and Mogador to do their best to reassure M'toogi and to postpone appointment for the present.

"Resident-general quite understands about Lennox."

Lennox arrived here yesterday morning evidently much unhinged. His view now is that great kaïds will come to an arrangement amongst themselves.

[22255] No. 13.

Sir Edward Grey to Sir R. Lister.

(No. 85.)
Sir, *Foreign Office, July 3, 1912.*

I HAVE given careful consideration to your despatch No. 109 of the 18th ultimo, requesting instructions in regard to the claim of the French military authorities at Fez to try foreign subjects and protégés by court-martial.

In view of the fact that a state of war did not exist in Morocco, His Majesty's Government can only recognise the declaration of a state of siege at Fez as theoretically correct, if it be regarded as an act done under the authority and in the name of the Sultan of Morocco.

In the circumstances which prevailed at Fez, it was obviously necessary for the ordinary law to be supplemented by extraordinary measures, either by the Sultan or by someone acting in his name, and accordingly, even if His Majesty's Government might consider the intervention of the French to be, so far at any rate as British subjects were concerned, technically without sufficient justification, His Majesty's Government should not be over-anxious to protest against a proceeding by which the lives of British subjects have probably been saved. While reserving the rights of Great Britain, His Majesty's Government might be disposed to consider the circumstances as so unusual as not to call for any remonstrance on their part.

The above views are for your information, and you should instruct Mr. Consul MacLeod as follows on the point which you have raised:—

Great Britain has not yet recognised a French protectorate in Morocco, and the view of His Majesty's Government is that, unless and until the French protectorate has been officially recognised by them, and British consular jurisdiction definitely withdrawn and abolished, the exclusive jurisdiction over British subjects in Morocco appertains to His Majesty's Government.

The principle is of importance and cannot be abandoned, but I trust that with the return of Fez to normal conditions no case will arise such as to require its formal

assertion; any such assertion, if it became necessary to safeguard our rights for the future, need not, in the circumstances, be accompanied by any protest against the intervention or action of the French in the past.

I am, &c.
E. GREY.

[27961] No. 14.

Sir Edward Grey to Sir F. Bertie.

(No. 325.)
Sir, *Foreign Office, July 3, 1912.*

I TRANSMIT to your Excellency herewith a copy of a memorandum by M. Guiot respecting the proposed line of customs control in Morocco.*

This memorandum was communicated on the 27th ultimo by the French Ambassador to Sir A. Nicolson, who repeated to his Excellency the objections of His Majesty's Government to customs-houses on the frontiers of the zones, and their strong opinion that all goods, in transit or otherwise, should pay duty at the port of entry. Sir A. Nicolson added that His Majesty's Government had no objection to a customs control at the zone frontiers simply to verify that goods had paid duty at the port of entry.

On the following day the French Ambassador called again at the Foreign Office and handed to Sir A. Nicolson a further memorandum, which appears to be based on the assumption that His Majesty's Government have only one objection to the proposed line of control. A copy of this second memorandum is also enclosed.† Sir Arthur took the opportunity of observing to his Excellency that His Majesty's Government had other objections which they had already formulated, and that the suggested procedure seemed to him to be complicated and cumbersome.

I am, &c.
E. GREY.

[27961] No. 15.

Sir Edward Grey to Sir M. de Bunsen.

(No. 68.)
Sir, *Foreign Office, July 3, 1912.*

I TRANSMIT to your Excellency herewith a copy of a memorandum by M. Guiot respecting the proposed line of customs control in Morocco.*

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I should be glad if your Excellency would communicate these two French memoranda to Mr. White, with the request that he will furnish me with his views on the subject, if necessary after consultation with His Majesty's Minister at Tangier.

I am, &c.
E. GREY.

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* Part 44, No. 297. † Part 44, No. 302.

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[27715]

No. 16.

Sir Edward Grey to Sir R. Lister.

(No. 31.) *Foreign Office, July 4, 1912.*

(Telegraphic.)

YOUR despatch No. 154 of 23rd June : Alienation of Habous properties.

I entirely agree, and I authorise you to act in sense suggested in last paragraph.

[28435]

No. 17.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 5.)

(No. 98.) *Madrid, July 2, 1912.*

Sir,

WITH reference to my telegram No. 56 of the 29th ultimo, I have the honour to forward a summary by Mr. White of the recommendations of the Franco-Spanish Financial Commission, which has recently terminated its labours. I hope to be able to send the French text to-morrow. I abstain for the present from any detailed commentary. The question of how far the conclusions of the mixed commission are applicable to the proposed international régime of Tangier is engaging the careful attention of Mr. White. It is obvious that the bearing of the contemplated customs arrangements for the Spanish zone on the future financial position of Tangier will require full consideration. I may remark that one of the proposals of the mixed commission would appear at first sight to be inconsistent with our treaty rights in Morocco. I allude to the provision that goods consigned to the French zone, but landed in a port of the Spanish zone, must reach the zone of their destination within two months of having paid duty in the Spanish zone, on pain of paying the duty over again. Mr. White proposes to make full reserves on this point.

I am sending a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

Enclosure in No. 17.

Memorandum.

THE agreement arrived at by the Franco-Spanish Technical Commission is drawn up under five headings as follows :—

1. Payment of the sums due for the service of the 1904 and 1910 loans, and suspension in the Spanish zone of the control by the representatives of the bondholders.
2. Exchange of securities between the French and Spanish Governments.
3. State Bank advances secured on the unpledged 5 per cent. of customs revenues.
4. State Bank.
5. Tobacco monopoly.

1. Under the first of the above headings, it has been agreed that the Spanish Government should pay in advance each year to the representatives of the bondholders a proportion of the total sum due for the service of the loan, the proportion to be based on the ratio of the customs dues levied at Tetuan and Laraiche to the total dues levied at all the Moorish ports. Taking the figures for the year 1911 as a basis, the proportion to be paid by Spain as at present fixed is 10·36 per cent., but either party has the right to demand a revision of this proportion before the 15th May in any year.

The principle is established that the duties levied should accrue to the zone in which, in the case of imports, the goods are eventually consumed, or, in the case of exports, from which they originally came. In order to ascertain the destination of imported goods and the place of origin of those exported, internal lines of customs control called " lignes de transit " are to be established along the zone frontiers, where note will be taken of all goods passing. Goods on which duty has already been paid will be allowed to pass free on production of the customs-house receipt, which must not be of more than two months' date. The receipt will be retained for production at

the periodical settlement of accounts between the two zones, when each zone will pay over the duties levied on goods that have passed over to the other zone.

Provision is made for the application of the system of lines of transit to the Tangier zone and for drawing up regulations regarding the working of the system.

2. Both Powers accept the principle that there should be an exchange of securities in their respective zones, so that each Power should have complete autonomy in its own zone. Thus, the mining tax levied in the French zone will be taken as security for the 1904 and 1910 loans in exchange for the customs dues and other revenues in the Spanish zone at present pledged, which will be transferred to Spain as security for her war indemnity. The mining tax will, however, be considered as accruing to the zone in which the mine is situated and not to that in which the port of exportation is situated. The question of the inequality of the securities exchanged can be examined by the two Governments later.

3. The Makhzen indebtedness on account of (1) State Bank advances secured on the unpledged 5 per cent. of customs dues, and (2) claims passed by the 1910 Tangier Claims Commission and not yet paid are estimated at from 20,000,000 fr. to 25,000,000 fr. The Spanish Government recognises that its zone must bear its share of this charge should a loan be raised for paying off the amount due on this or on any other account as to which an agreement may be come to.

4. The rights and privileges of the State Bank, as established by the Algeciras Act, must be fully respected in both zones ; it is, however, agreed (1) that should the Makhzen hold any shares in the State Bank (which is believed not to be the case), a due proportion of these shares should be allotted to the administration of the Spanish zone ; (2) that a second High Commissioner should be appointed to act in the Spanish zone. The two Governments therefore will take such steps as may be necessary to obtain from the State Bank a revision of its statutes in the above sense. In view of the desire expressed by the Spanish Government that the persons employed by the State Bank at their branches in the Spanish zone should be Spaniards, the French Government have agreed not to support the candidature of any persons for employment at the State Bank in that zone, and to express to the bank its wish that the candidature of Spaniards for such appointments should be taken into consideration.

It is recognised that the Spanish zone should receive its due proportion of any profits arising from the coining of money or other monetary operations as well as from the tobacco monopoly.

5. The rights and privileges of the " régie co-intéressée des tabacs " must be fully respected, and its liberty of action in both zones maintained ; the French Government, however, will raise no objection to the Spanish Government coming to an arrangement with the " régie " for the cession of its rights and privileges in the Spanish zone, but, in that case, the Spanish Government could not, without previous agreement with the French Government, modify the conditions of sale, &c., in its zone.

Both Governments agree to buy out the " régie " as soon as the terms of their contract admit, *i.e.*, on the 1st January, 1933. In the meantime, they will obtain (*a*) the appointment of a second commissioner to be named by the admistration of the Spanish zone ; (*b*) the definition of the powers of the commissioner so as to safeguard the legitimate interests of the administration of the Spanish zone without prejudice to the operations of the " régie " ; (*c*) the equal division between the two commissioners of the 1,000 dollars allotted as salary.

It is agreed that neither Government will, without previous agreement, impose fresh taxes affecting the tobacco monopoly.

The proceeds of fines imposed on the " régie " will accrue to the zone in which the offence was committed on account of which the fine was imposed.

The Spanish zone will receive its due proportion of the profits reserved to the Makhzen under the monopoly contract. This proportion will be the same as that agreed upon in the case of customs duties, *i.e.*, the ratio of the net amount of duties received at Tetuan, Laraiche, and Tangier [*sic*]—after payment to the French zone of the amount due on goods that have passed the line of transit—to the total amount of duties levied at all the Moorish ports. The ratio is at present fixed at 10·36 per cent. When the lines of transit are in operation the amount due from the Tangier customs to the Spanish zone will be ascertained and the ratio modified accordingly.

Madrid, July 2, 1912.

HERBERT E. WHITE.

PUBLIC RECORD OFFICE, LONDON

No. 18.

[28417]

Sir F. Bertie to Sir Edward Grey.—(Received July 5.)

(No. 288.) *Paris, July 2, 1912.*

Sir,

I HAVE the honour to inform you, with reference to my despatch No. 285 of the 1st instant, that the Chamber of Deputies yesterday approved the Bill for the establishment of a French protectorate over Morocco by 450 votes against 79.

I enclose herein the speech made by M. Poincaré in defence of the protectorate treaty,* in the course of which he touched upon various subjects which had been raised in the course of the preceding discussion.

As regards the question of adjudication for public works in Morocco, M. Poincaré said :—

"Je ne dois pas dissimuler d'ailleurs que si l'État peut revendiquer l'exploitation de tous les services publics au Maroc, il sera, en revanche, très souvent gêné—je l'ai dit à la commission et je ne puis que le répéter à la tribune—il sera très souvent gêné en ce qui concerne les travaux et les fournitures par la règle de l'adjudication si sévèrement inscrite dans l'Acte d'Algésiras et reproduite seulement dans le traité du 4 novembre, car il ne faut pas croire que ce soit une charge du traité du 4 novembre: c'est une charge antérieure qui remonte à l'Acte d'Algésiras. Cette règle est une des plus lourdes hypothèques qui pèsent sur notre protectorat, et en maintes occasions, malgré les tempéraments qu'elle peut comporter, elle a déjà paralysé ou risqué de paralyser des travaux d'une extrême urgence. Elle ne saurait, d'ailleurs, s'appliquer, cela va de soi, à des travaux stratégiques, à des ouvrages de défense et de sécurité militaires. Mais dans la mesure où elle doit contractuellement s'exercer, elle est, il faut en convenir, fort gênante pour notre liberté."

I have the honour to observe, with reference to the foregoing passage of M. Poincaré's speech, that the obligation to submit to adjudication works of public utility in Morocco has frequently formed the subject of complaints in the French press, and that their reproduction by the Prime Minister from the tribune of the Chamber is a conclusive proof of the dislike felt in France to this stipulation. M. Poincaré used the phrase "malgré les tempéraments" (modifications) "qu'elle peut comporter," but without explaining in what way his phrase was to be understood. He also excluded from the operation of the adjudication clause all strategical works.

I have, &c.

FRANCIS BERTIE.

[28611]

No. 19.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 6.)

(No. 99.) *Madrid, July 3, 1912.*

Sir,

WITH reference to my immediately preceding despatch, I have the honour to transmit herewith copy of the French text of the first three articles of the report of the Mixed Financial Commission on Morocco. I will forward the remaining articles immediately on receipt of the same.

I have, &c.

MAURICE DE BUNSEN.

Enclosure in No. 19.

Articles 1 to 3 of Report of Mixed Financial Commission on Morocco.

LE Gouvernement de la République française et le Gouvernement de Sa Majesté le Roi d'Espagne ont décidé de confier à une commission mixte l'étude de certaines questions intéressant la négociation franco-espagnole relative au Maroc, dont le programme a été, savoir :—

1. Paiement des annuités des emprunts de 1904 et 1910 et cessation du contrôle des porteurs dans la zone espagnole.

* Not printed.

2. Échange des garanties entre les Gouvernements espagnol et français.
3. Avances faites par la Banque d'État sur le 5 pour cent des douanes, restant libre au Makhzen.
4. Banque d'État.
5. Monopole du tabac.

Le Gouvernement de la République française a désigné comme membres de sa délégation :—

MM. Guiot, Ministre plénipotentiaire ; Sergent, Sous-Gouverneur de la Banque de France ; et Maljean, Administrateur des Douanes ; M. Lozé, attaché au Ministère des Affaires Étrangères à Paris, assiste comme Secrétaire.

Le Gouvernement de Sa Majesté le Roi d'Espagne a désigné comme membres de sa délégation :—

MM. le Marquis de Cortina, Vice-Président de la Chambre des Députés ; Valdes, Directeur-Général des Douanes ; et Garcia Escudero, Sous-Gouverneur de la Banque d'Espagne ; M. Figuerola-Ferretti, Secrétaire d'Ambassade au Ministère d'Etat à Madrid, assiste comme Secrétaire.

La commission a commencé ses travaux le 2 mars, 1912, et les a clôturés le 25 juin, 1912.

La commission s'est mise d'accord sur toutes les questions qui lui étaient soumises et elle présente aux deux Gouvernements ses propositions dans la forme suivante :—

I.

Le Gouvernement de Sa Majesté le Roi d'Espagne ne portera pas atteinte aux droits, prérogatives et privilèges des porteurs de titres des emprunts de 1904 et 1910 dans sa zone d'influence.

En vue de mettre l'exercice de ces droits en harmonie avec les nouvelles circonstances, le Gouvernement de la république usera de son influence sur le représentant des porteurs pour que le fonctionnement des garanties dans cette zone s'accorde avec les dispositions suivantes :—

La zone d'influence espagnole contribuera aux charges des emprunts de 1904 et 1910 suivant la proportion que les ports de ladite zone fournissent à l'ensemble des recettes douanières des ports ouverts au commerce.

Cette contribution forfaitaire fixée provisoirement à 10·36 pour cent sur la base des produits de 1911 sera revisable tous les ans à la demande de l'une ou de l'autre partie. La revision éventuelle devra intervenir avant le 15 mai qui suivra l'exercice servant de base à la revision, et il sera tenu compte dans le versement à effectuer par le Gouvernement espagnol le 1er juin ainsi qu'il est dit ci-après des modifications qui en résulteraient pour l'année en cours.

Le Gouvernement de Sa Majesté le Roi d'Espagne constituera chaque année à la date du 1er mars pour le service de l'emprunt 1910 et à la date du 1er juin pour le service de l'emprunt 1904, entre les mains du représentant des porteurs des titres de ces deux emprunts, le montant des annuités fixées au paragraphe précédent. En consequence, l'encaissement au titre de ces deux emprunts sera suspendu dans la zone espagnole par application des articles 20 du contrat du 12 juin, 1904, et 19 du contrat du 17 mai, 1910.

Le contrôle des porteurs et les droits s'y rapportant dont l'exercice aura été suspendu en raison des versements du Gouvernement espagnol, seront rétablis tels qu'ils existent actuellement dans le cas où le représentant des porteurs aurait à reprendre l'encaissement direct conformément aux contrats.

D'autre part, la commission a reconnu qu'il y a lieu d'assurer à la zone française et à la zone espagnole le produit revenant à chacune d'elles sur les droits perçus à l'importation ou à l'exportation.

En conséquence, la commission propose l'adoption des dispositions suivantes :—

Chacun des deux Gouvernements se réserve le droit d'établir la limite terrestre de sa zone une ligne de transit à laquelle sera reportée la perception des droits sur les marchandises d'origine étrangère à destination de ladite zone.

Les marchandises destinées à la zone française qui seront débarquées dans les ports de la zone espagnole seront expédiées en transit, soit à la sortie de bord, soit à la sortie d'entrepôt sur la ligne de transit de la zone française. Dans le cas où ces marchandises auraient acquitté les droits au port de débarquement, elles seraient

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affranchies de tout nouveau paiement sur la production d'une quittance datée au plus de deux mois, authentifiée par les autorités consulaires françaises.

Réciproquement les marchandises destinées à la zone espagnole qui seront débarquées dans les ports de la zone française seront expédiées en transit, soit à la sortie de bord, soit à la sortie d'entrepôt sur la ligne de transit de la zone espagnole. Dans le cas où ces marchandises auraient acquitté les droits au port de débarquement, elles seront affranchies de tout nouveau paiement sur la production d'une quittance, datée au plus de deux mois, authentifiée par les autorités consulaires espagnoles.

Quant aux produits marocains originaires de l'une ou de l'autre zone qui, à leur passage à la ligne de transit, seront déclarés pour l'exportation hors du Maroc, ils acquitteront au bureau de la ligne de transit, au profit de la zone dont ils sont originaires, les droits d'exportation et seront tenus pour libérés au lieu d'embarquement sur la production des quittances datées au plus de deux mois.

Les marchandises d'origine étrangère débarquées à Tanger et destinées à la zone espagnole ou à la zone française seront expédiées en transit, soit à la sortie de bord, soit à la sortie d'entrepôt, sur la zone de destination à l'entrée de laquelle aura lieu la perception des droits.

Dans le cas où ces marchandises auraient acquitté les droits à Tanger, elles seraient affranchies de tout nouveau paiement sur la production d'une quittance datée au plus de deux mois, authentifiée par les autorités consulaires françaises ou espagnoles.

Quant aux produits marocains, originaires de la zone espagnole ou de la zone française, qui, à leur sortie de ces zones, seraient déclarés pour l'exportation par le port de Tanger, ils acquitteront au bureau de la ligne de transit, au profit de la zone dont ils sont originaires, les droits d'exportation et seront tenus pour libérés au lieu d'embarquement sur la production des quittances.

Le régime ci-dessus défini, exclusivement applicable aux marchandises non prohibées, est institué à titre provisoire et pourra être revisé après une expérience de deux ans. Les administrations douanières s'entendront pour arrêter les dispositions propres à assurer le reversement des droits qu'elles auraient perçus l'une pour le compte de l'autre. Ces dispositions seront également applicables aux marchandises d'origine étrangère, transportées par cabotage, qui auront acquitté les droits dans un port n'appartenant pas à la zone de destination.

Les administrations douanières des deux zones s'entendront par l'intermédiaire de représentants, qui se réuniront périodiquement à Tanger, sur les instructions propres à assurer l'unité d'application des tarifs. Ces délégués se communiqueront à toutes fins les informations qu'ils auront pu recueillir tant sur la contrebande que sur les opérations irrégulières effectuées dans les bureaux des douanes.

En ce qui concerne les règlements d'application, il appartient aux deux Gouvernements de décider s'ils doivent être arrêtés avant la signature du traité ou dans un délai à établir.

La commission exprime le vœu que les mesures visées sous le présent titre soient applicables, s'il est possible, à partir du 1er janvier, 1913.

II.

La commission a examiné l'article 2 du programme de ses travaux : " Échange des garanties entre les Gouvernements espagnol et français." Elle est d'avis qu'il y aurait utilité réciproque à ce que chaque pays eût pleine autonomie dans sa zone. A cet effet les gages affectés en zone espagnole à la créance française en vertu de l'accord franco-marocain du 21 mars, 1910, seraient transférés au profit de la créance espagnole et réciproquement les gages affectés en zone française à la créance espagnole en vertu du traité hispano-marocain du 16 novembre, 1910, seraient transférés au profit de la créance française. En vue de réserver à chaque zone le produit des redevances minières qui doivent naturellement lui revenir, il serait entendu que les redevances proportionnelles d'extraction appartiendront à la zone où la mine est située lors même qu'elles seraient recouvrées à la sortie par une douane de l'autre zone.

La délégation française ayant fait remarquer que du point de vue financier la garantie de la créance du Trésor français porte sur des ressources certaines, tandis que la créance du Trésor espagnol a pour garantie des ressources actuellement inexistantes, la délégation espagnole, bien que reconnaissant ce fait, a fait observer que les excédents douaniers de la seule zone française fournissent déjà les moyens de couvrir l'annuité due au Gouvernement français et que, d'un autre côté, d'après tous les indices rationnels, la mise en valeur du pays ne manquerait pas de rétablir l'équivalence entre les garanties échangées.

La commission est unanime à penser qu'en tout état de cause, c'est plutôt dans une négociation d'ordre général que les deux Gouvernements pourront examiner si, et dans quelle mesure, il doit être tenu compte de l'inégalité constatée entre les deux éléments de l'échange recommandé par la commission.

III.

Au sujet de la question numéro 3, " Avances faites par la Banque d'Etat sur le 5 pour cent des douanes," la délégation française a exposé qu'il serait équitable de faire supporter par les deux zones non seulement le remboursement desdites avances, mais d'une manière générale les charges de la liquidation du passif actuel du Makhzen. La délégation espagnole s'est ralliée à cette manière de voir.

Dans le cas où cette liquidation se ferait au moyen d'un emprunt à court ou à long terme, chacune des deux zones contribuerait au paiement des annuités de cet emprunt (intérêts et amortissements) dans une proportion égale à celle qui a été fixée pour la répartition entre chaque zone des charges des emprunts 1904 et 1910.

Le taux de l'intérêt, les délais d'amortissement et de conversion, les conditions de l'émission et, s'il y a lieu, les garanties de l'emprunt seraient arrêtés après entente entre les deux Gouvernements.

Les dettes contractées après la signature de l'accord actuellement en négociation entre les deux Gouvernements seraient exclus de cette liquidation

La délégation française estime que le montant total du passif à liquider, qui comprend notamment (1) les avances de la Banque d'État gagées sur le 5 pour cent du produit des douanes ; (2) les dettes liquidées par la commission instituée en vertu du règlement du corps diplomatique de Tanger en date du 29 mai, 1910, peut être évalué, compte tenu des intérêts courus, de 20,000,000 à 25,000,000 de francs. Mais elle n'est pas en mesure de garantir l'exactitude de cette évaluation, n'ayant et ne pouvant se procurer à bref délai des chiffres certains. Dans ces conditions les deux Gouvernements se réserveraient d'examiner conjointement les créances autres que celles visées aux numéros 1 et 2, de vérifier leur légitimité et, au cas où le total du passif dépasserait sensiblement la somme de 25,000,000 de francs, de les comprendre ou non dans la liquidation envisagée.

[28844] No. 20.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 8.)

(No. 100.)

Sir, *Madrid, July 4, 1912.*

WITH reference to my despatch No. 99 of yesterday's date, I have the honour to forward herewith the concluding portion of the report of the Franco-Spanish Financial Commission, together with a memorandum containing Mr. White's comments on the same, with which I concur.

I am forwarding a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

P.S.—I should be glad to be favoured with your views by telegraph, if possible.

M. DE B.

Enclosure 1 in No. 20.

Concluding Portion of Report of Franco-Spanish Financial Commission.

IV.

LA commission constate que l'autonomie administrative des zones d'influence espagnole et française dans l'Empire chérifien ne peut porter atteinte aux droits, prérogatives et privilèges antérieurs concédés conformément à l'Acte d'Algésiras à la Banque d'État du Maroc, pour tout le territoire de l'Empire par le Gouvernement marocain.

En conséquence, la Banque d'État du Maroc continuera de jouir dans chacune des deux zones de tous les droits qu'elle [words omitted, presumably, "possède en vertu "] des actes qui la régissent, sans diminution ni réserve. L'autonomie des deux

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zones ne pourra faire obstacle à son action, et les deux Gouvernements faciliteront à la Banque d'État le libre et complet exercice de ces droits.

La Banque d'État du Maroc pourra, d'accord avec deux Puissances intéressées, modifier les conditions de son fonctionnement en vue de les mettre en harmonie avec l'organisation territoriale de chaque zone.

Sous le bénéfice des considérations qui précèdent, la commission a examiné les quatre vœux ci-après présentés par la délégation espagnole.

La délégation espagnole estime que les actions de la Banque d'État du Maroc appartenant au Makhzen devraient être réparties, dans une proportion à déterminer, entre les administrations des deux zones non seulement en vue de faire contribuer le produit des actions aux dépenses de chaque zone, mais encore à l'effet de permettre à chacune des administrations l'exercice des droits attribués auxdites actions par les statuts de la banque.

La délégation française croit être à même d'affirmer que le Makhzen ne possède aucune action de la Banque d'État, mais s'il en est autrement, elle reconnaît le bien-fondé de la proposition espagnole.

En deuxième lieu, la délégation espagnole réclame l'institution d'un second Haut Commissaire par l'intermédiaire duquel seront exercés, en ce qui concerne la zone espagnole, les pouvoirs réservés au Gouvernement chérifien par le Chapitre III de l'Acte général de la Conférence internationale d'Algésiras (acte de concession d'une Banque d'État).

La délégation française reconnaît que la banque doit avoir des relations directes et des comptes séparés avec l'administration de chacune des deux zones.

En conséquence, la commission estime que les deux Gouvernements pourraient recommander à la Banque d'État l'étude d'une modification de ses statuts permettant :—

1. De créer un second Haut Commissaire marocain qui serait nommé par l'administration de la zone d'influence espagnole, après entente avec le Conseil d'Administration de la Banque.

2. De confier à ce second Haut Commissaire, pour sauvegarder les intérêts légitimes de l'administration de la zone espagnole, sans porter atteinte au fonctionnement normal de la banque, des attributions autant que possible identiques à celles qu'exerce le Haut Commissaire actuel.

Toutes démarches utiles seraient faites par les deux Gouvernements pour parvenir à la revision régulière, dans le sens indiqué ci-dessus, des statuts de la Banque d'État et du règlement de ses rapports avec le Gouvernement marocain.

La délégation jugeant nécessaire de préciser et de compléter l'entente intervenue entre les deux Gouvernements et constatée par la lettre adressée le 23 février, 1907, par le Ministre des Affaires Étrangères de la république à M. l'Ambassadeur de Sa Majesté le Roi d'Espagne à Paris, a exprimé le désir de voir réserver à des sujets de nationalité espagnole, les divers emplois que peut comporter la création en zone d'influence espagnole d'agences de la Banque d'État.

La délégation française a fait observer qu'en ce qui concerne les questions du personnel, la banque doit conserver sa liberté, et qu'en prétendant restreindre ces droits les Gouvernements engageraient leur responsabilité. Elle a rappelé, d'autre part, que l'article 49 de l'Acte d'Algésiras réserve autant que possible l'accès aux emplois de la banque à tous les ressortissants des diverses Puissances qui ont pris part à la souscription du capital ; par suite, il n'est pas possible de réclamer au profit de la France et de l'Espagne dans leurs zones respectives l'intégralité des emplois.

Appréciant les observations présentées de part et d'autre, la commission formule la proposition suivante :—

" Sous réserve des droits de la banque, le Gouvernement français s'engagerait, en ce qui concerne la zone espagnole et sous conditions de réciprocité, à n'appuyer aucune candidature auprès de la Banque d'État. Il ferait connaître à la banque son désir de voir prendre en considération pour les emplois dans ladite zone les candidatures de nationalité espagnole."

En ce qui concerne : (1) les actions de la banque qui pourraient appartenir au Makhzen ; (2) les bénéfices revenant au Makhzen sur les opérations de frappe et de refonte de monnaies ainsi que sur toutes autres opérations monétaires (article 37 de l'Acte d'Algésiras), il est entendu qu'il sera attribué à l'administration de la zone espagnole une part calculée d'après le même pourcentage que pour la redevance et les bénéfices du monopole des tabacs.

V.

La commission constate que l'autonomie administrative des zones d'influence espagnole et française dans l'Empire chérifien ne peut porter atteinte aux droits, prérogatives et privilèges antérieurs concédés conformément à l'Acte général d'Algésiras pour tout le territoire de l'Empire par le Gouvernement marocain à la Société internationale de Régie coïntéressée des Tabacs du Maroc.

En conséquence ladite société continuera de jouir dans chacune des deux zones de tous les droits qu'elle tient des actes qui le régissent, sans diminution ni réserve. L'autonomie des deux zones ne pourra pas faire obstacle à son action et les deux Gouvernements lui faciliteront le libre et complet exercice de ses droits.

Les conditions actuelles de l'exploitation du monopole et, en particulier, le tarif des prix de vente ne peuvent être modifiés que d'accord entre les deux Puissances intéressées.

Sous bénéfice des considérations qui précèdent, la commission a examiné les questions ci après signalées par la délégation espagnole :—

1. Possibilité pour le Gouvernement espagnol d'entrer en négociations avec la Régie soit en vue de la rétrocession à des tiers des droits de cette société dans la zone espagnole, soit en vue du rachat anticipé de ces droits par l'administration de ladite zone ;

2. Exercice éventuel du droit de rachat stipulé à l'article 24 du cahier des charges ;

3. Nomination d'un commissaire chargé d'exercer au nom de l'administration de la zone espagnole les droits de contrôle et de surveillance prévus dans le cahier des charges, notamment à l'article 35 ;

4. Application de l'article 9 du cahier des charges ;

5. Répartition du produit des amendes.

6. Partage de la redevance fixe annuelle et des bénéfices.

Après avoir délibéré sur ces questions, la commission a adopté les conclusions suivantes :—

1. Le Gouvernement français ne fera pas obstacle à ce que le Gouvernement Royal se concerte avec la Régie, soit en vue d'obtenir de cette société la rétrocession à des tiers de l'intégralité de ses droits et privilèges, soit en vue de lui racheter à l'amiable par anticipation lesdits droits et privilèges. Dans le cas où, comme conséquence du rachat anticipé, le Gouvernement espagnol désirerait modifier dans sa zone les conditions générales de l'exploitation du monopole, et, par exemple, s'il voulait réduire le prix de vente, un accord devra intervenir entre les deux Gouvernements dans le but exclusif de sauvegarder les intérêts de la zone d'influence française.

Les stipulations qui précèdent s'appliquent réciproquement dans le cas où le Gouvernement français désirerait faire usage des facultés reconnues ci-dessus au Gouvernement espagnol ;

2. La Régie pouvant faire objection à un rachat partiel les deux Gouvernements s'engageront dès maintenant à faire exercer dans l'une et l'autre zone, aussitôt que possible (c'est-à-dire le 1er janvier, 1933, en prévenant la Régie avant le 1er janvier, 1931), le droit de rachat prévu à l'article 24 du cahier des charges. A partir du 1er janvier, 1933, chacune des deux zones deviendra libre d'établir, selon ses convenances, les impôts qui font l'objet du monopole ;

3. Les deux Gouvernements se mettront d'accord pour obtenir, en respectant le cahier des charges :

(*a.*) La création d'un second commissaire nommé par l'administration de la zone espagnole ;

(*b.*) La définition des attributions qui seraient nécessaires à ce second commissaire pour sauvegarder les intérêts légitimes de l'administration de la zone espagnole, sans porter atteinte au fonctionnement normal de la Régie ;

(*c.*) La répartition par moitié entre les deux commissaires de la somme de 5,000 rials makhzani, argent versé annuellement par la Régie pour le traitement du commissaire.

4. L'article 9 du cahier des charges est ainsi conçu: " Le fermier devra acquitter les impôts existants, mais il sera exempt de tout impôt nouveau non spécifié dans le présent cahier des charges. Si de nouveaux impôts étaient ultérieurement établis, il

ne pourrait être contraint de les payer qu'autant que d'accord avec le Ministre chérifien des Finances il serait autorisé à augmenter le prix de la vente des produits fabriqués, dans la mesure nécessaire pour compenser ces nouvelles charges.

Afin de maintenir, pendant la durée du monopole, identité du tarif des prix de vente dans les deux zones, les deux Gouvernements prendront l'engagement de ne pas assujettir la Régie ou ses ayants droit à des impôts nouveaux sans s'être préalablement entendus ;

5. Le produit des amendes prononcées contre la Régie pour inexécution du cahier des charges ou abus (article 31 du cahier des charges) sera attribué au Trésor de la zone dans laquelle les infractions ou abus auront été commis ;

6. Pour le partage de la redevance annuelle et des bénéfices (articles 20 à 23 du cahier des charges), on appliquera à dater de la première revision du forfait prévu à la résolution No. 1 un pourcentage qui sera déterminé par la puissance de consommation de la zone espagnole comparativement à la puissance de consommation de l'Empire. Cette puissance de consommation sera évaluée d'après les perceptions douanières restant effectivement entre les mains de l'administration de la zone espagnole sur les produits des trois ports de Larache, Tétouan et Tanger, compte tenu des reversements prévus à la résolution No. 1.

Pour la période initiale et jusqu'à la première revision, le pourcentage sera provisoirement fixé sur la base des produits douaniers des deux ports de Larache et Tétouan, soit 10·36 pour cent d'après les chiffres de 1911. En outre, dès que le fonctionnement de la ligne de transit aura fait apparaître la part complémentaire à attribuer au titre de Tanger à la zone espagnole dans la puissance de consommation de l'Empire, il y aura lieu au profit de cette zone à un reversement proportionnel sur les produits du monopole encaissés du cours des exercices précédents.

La délégation espagnole a exposé que d'après ses informations les deux Gouvernements sont en pourparlers au sujet de certaines compensations financières, qui pourraient exiger peut-être une consultation complémentaire de la commission. Dans cette précision la délégation croit que la dissolution immédiate de la commission serait prématurée.

En conséquence, la commission décide de déléguer ses pouvoirs à MM. Guiot et le Marquis de Cortina pour toute consultation complémentaire à donner aux deux Gouvernements.

Fait en double exemplaire, à Madrid, le 28 juin, 1912.

Enclosure 2 in No. 20.

Observations on the Agreement reached by the Franco-Spanish Technical Commission.

I.—*Customs.*

THE principle having been admitted that customs duties should accrue to the zone in which goods imported are consumed and from which those exported have come, it will, I fear, be impossible to induce the French Government to abandon the idea of establishing internal lines of customs control or "lignes de transit."

M. Guiot told me that these lines would in any case be established along the French zonal frontier to prevent the introduction into their zone of arms, ammunition, &c., which he was confident would be smuggled in large quantities on the coasts of the Spanish zone; all goods entering the French zone would be searched, therefore no additional inconvenience would be caused to merchants sending goods to Fez, as, once duty had been paid at the port of landing, no further duty would be levied, the production of the receipt for the duty paid being all that would be required.

Señor Hontoria informed me that the Spanish Government had been obliged to accept this proposal, as the French Government absolutely insisted upon it, and stated that His Majesty's Government had already accepted the principle. He added that, if this principle were not to be applied to Tangier, the Spanish Government would have to insist on similar treatment for the Spanish zone, and as it was only in consideration of their acceptance of the "lignes de transit" that the French Government had acceded to their demands in other respects, the whole of the agreement come to by the Technical Commission would fall to the ground if the "lignes de transit" were not accepted for Tangier.

In these circumstances it appears to me useless further to resist the application of the system to the international zone. We must, however, insist that Tangier should also also have the advantages of the agreement, and that she can free the customs of all control on the same terms as have been obtained for Spain. The only question is whether the municipality should assume the uncontrolled administration of the custom-house at a fixed date or whether we should merely reserve to the municipality the right to assume it, whenever it may desire to do so. For various reasons, which I shall explain, I was in favour of the latter alternative. Señor Hontoria is, however, very strongly in favour of fixing a date at once, as he fears that otherwise the French control may be indefinitely prolonged through French influence on the municipality.

I told Señor Hontoria that there could, in my opinion, be no question of the municipality, immediately upon its formation, assuming the administration of the custom-house. In the first place, it would not be competent to do so, and in any case it would require time to select suitable men for employment in the custom-house; and in the second place, for the first year at any rate, under the terms of the agreement, the custom-house returns would show a considerable deficiency, which the slender revenues of the municipality could not support. Taking, for example, the commercial statistics for 1911—a good year—the total duties levied at Tangier amounted to 87,000*l.*; of this sum probably 70 per cent. was levied on goods consumed in or coming from the French and Spanish zones, so that the amount that would remain for Tangier would only be about 26,370*l.*, whereas the municipality would have had to pay 47,013*l.* for the service of the 1904 and 1910 loans. There would thus be a loss on the customs of 20,643*l.*, exclusive of (1) the service of the loans, provided for under the third heading of the agreement for paying off other Makhzen debts; (2) the working expenses of the custom-house; and (3) interest on the 47,013*l.*, which the municipality would have to borrow and pay in advance.

Señor Hontoria admitted the force of this argument, but said that his Government was willing to face the loss, which would similarly fall on the Spanish zone rather than allow the French control to be maintained at their ports. He explained that there would be a loss in the first year only, and that it would be reduced by the sum, not yet determined, which the French Government had agreed to deduct from the amount to be paid on account of goods passing the lines of transit. After the first year a new ratio would be fixed, which would be less than 10·36 per cent. (the present proportion of the whole customs liabilities, which falls on the custom-houses of Larache and Tetuan), as the duties on goods passing the lines of transit would be deducted from the total amount of duties levied at Larache and Tetuan when calculating the proportion of the service of the loan to be borne by the Spanish one. Señor Hontoria therefore suggested that it should be stipulated that the agreement should come into operation on the 1st January, 1914, when the true proportion to be borne by the international zone could be ascertained. He made a great point of a definite date being fixed, and was very anxious for my support; but personally I am not at all sure that it would not be preferable to allow the municipality to choose its own time for bringing this arrangement into operation, and I do not share Señor Hontoria's fears that French influence can induce the municipality indefinitely to postpone taking action in the matter. Moreover, we should, I think, meet with less opposition from the French, if no actual date is fixed, though it is difficult to see how the French, if pressed, could refuse to the Tangier zone what they have already conceded to the Spanish zone.

Even though the municipality does not at once take over the administration of the custom-house, I consider that we should claim that it should receive a proportion of the customs receipts at Tangier.

II.—*Exchange of Securities.*

The arrangement under this heading does not affect Tangier, as France and Spain will each maintain their present position in regard to securities in the international zone.

III.—*Advances made by the State Bank secured on the unpledged 5 per cent. of the Customs Revenues.*

I presume that both France and Spain will insist upon the international zone bearing its part of this charge, and it is difficult to see how this can be resisted.

IV.—*State Bank.*

I believe that it may be taken as certain that the Makhzen has no shares in the State Bank; should it, however, prove that it has such shares, Tangier would be entitled to claim its due proportion of such shares. We should, of course, also claim for Tangier its due share of all profits on coining, &c., referred to in the last paragraph of this heading.

Under article 42 of the Algeciras Act, the High Commissioner has the right to—

1. Examine into the management of the bank;
2. Control the issue of bank-notes;
3. See that the provisions of the concession are strictly observed;
4. Sign or seal every note;
5. Supervise the relations between the bank and the Imperial Treasury; and
6. Attend the meetings of the censors.

He cannot, however, interfere in the administration or business of the bank.

It appears to me scarcely necessary to appoint a High Commissioner for the international zone. It would, I think, be sufficient to stipulate that the municipality should be able to delegate one of its members to examine into the working of the bank, to supervise its relations with the municipality, and to attend the meeting of censors.

V.—*Tobacco Monopoly.*

It would be as well to claim these privileges for the international zone, though it is scarcely likely that the municipality would desire to buy out the Régie before 1931 (not 1933, as stated in error in the agreement). In any case, the municipality must receive their fair share of the profits accruing from the monopoly as well as the fines levied in its zone.

[29028] No. 21.

Sir R. Lister to Sir Edward Grey.—(*Received July* 8.)

(No. 72.)
(Telegraphic.) *Tangier, July* 8, 1912.

SIR M. DE BUNSEN'S despatch No. 103 of 6th July: Customs.

I endorse Mr. White's views.

(Repeated to Madrid.)

[29065] No. 22.

Sir M. de Bunsen to Sir Edward Grey.—(*Received July* 9.)

(No. 103.)
Madrid, July 6, 1912.

Sir,

AS instructed in your despatch No. 68 of the 3rd instant, I communicated this morning to Mr. White the two French memoranda which it contains regarding the proposed lines of customs control in Morocco.

I agree with Mr. White's enclosed comments, which are to the effect that, irksome as the contemplated arrangement may well prove to be in practice, it would now be very difficult to refuse our consent to it. In applying it to the Tangier zone, should you approve of this being done, it would no doubt tend to reduce considerably the inconvenience of the frontier line if Mr. White could procure acceptance of the restrictive stipulations which he now recommends, and which, with the exception of the suggested prohibition to impose fees on the consular *visés* and withdrawal of the time limit for validity of the customs receipts, are all derived from the explanations offered in M. Guiot's memorandum communicated to you by M. Cambon on the 27th June.

I am forwarding to-day a copy of this despatch and enclosure, as well as a copy of M. Guiot's memorandum, to Sir R. Lister, with the request that, should he have any remarks to offer upon them, he will have the goodness to send them to you directly by telegraph.

I have, &c.
MAURICE DE BUNSEN.

Enclosure in No. 22.

Memorandum by Mr. White.

IN my opinion there are two objections to the proposed lines of customs control ("lignes de transit"). The first and most important objection is to the principle itself, which will deprive Tangier of about 70 per cent. of its net customs revenue. The principle has, however, been accepted by His Majesty's Government as well as by the Spanish Government, so it would scarcely be possible to raise the question now.

The second objection is on account of the inconvenience which will be caused to commerce by goods being examined on passing the "lignes de transit." As, however, M. Guiot has declared that the "lignes de transit" will, in any case, be established to prevent the entry into the French zone of prohibited goods, such as arms and ammunition, it would appear that merchants will be subjected to this inconvenience, even if there were no question in regard to the duty, so that the second objection loses its force.

When the Tangier–Fez Railway is in existence the inconvenience to merchants will be but slight, and goods destined for Fez will be at once placed in sealed vans and sent forward without undergoing any customs examination either at Tangier or in the Spanish zone. In the meantime, it will be found in practice that the duty on such goods will always be paid at Tangier, the merchant taking a receipt for presentation at the "lignes de transit," where no further payment will have to be made on account of duty. This is much simpler than the cumbersome alternative of making a deposit as security for duty, then paying duty at the "lignes de transit," and subsequently recovering the amount paid as security.

It appears to me that it will be very difficult now not to accept the agreement reached in this respect between the French and Spanish commissioners. We should, however, obtain guarantees that the system will not be extended beyond the limits stated in M. Guiot's memorandum and further charges be imposed on trade. It might be stipulated than no "droits de statistique," "droits de pesage," or other charge should be levied on goods passing the "lignes de transit." It might, perhaps, also be suggested that no charge should be made at the French and Spanish consulates for certifying the receipts for customs dues. Such receipts should not be required except in the case of commercial goods.

The condition that the receipts for customs duties shall not be valid for more than two months, and that after that date duty will be levied at the "lignes de transit" on imported goods, is contrary to the terms of our treaty with Morocco. We should, I think, make it quite clear that goods of British origin on which import duty has already been paid cannot be subjected to any further charge in that respect.

A clause should be added stipulating that no charge should be levied on goods of Moorish origin passing from zone to zone, and not intended for exportation. M. Guiot states this principle in his memorandum, but I have reason to know that the Spanish Government contemplate imposing charges of the nature of octroi dues on such goods.

[28174] No. 23.

Sir Edward Grey to Sir M. de Bunsen.

(No. 54.)
(Telegraphic.) *Foreign Office, July* 9, 1912.

YOUR despatch No. 97 of 29th June: Tangier municipality.

There is no objection to communication to M. Guiot of general lines of Sir R. Lister's draft regulations, but in discussing them with former Mr. White should be guided by Foreign Office memorandum of 13th March.

We are ready to agree to officials being eligible for municipal council.

(Repeated to Tangier, No. 34.)

[29027] No. 24.

Sir Edward Grey to Sir M. de Bunsen.

(No. 55.)
(Telegraphic.) *Foreign Office, July 9, 1912.*

YOUR telegram No. 64 of 8th July.

Your despatch No. 103 just received, and instructions will be sent respecting customs as soon as it has been considered.

As regards points raised in your despatch No. 95, instructions respecting "régime foncier" and Moorish representation on Committee of Control were sent in my telegrams Nos. 49 of 18th June and 50 of 20th June.

Our reply to French arguments as to mode of setting up municipality is being prepared, and will be sent as soon as possible. We are maintaining our view as already expressed.

With regard to franchise qualification, we might agree to 100 pesetas; but before making this concession we must learn what rent basis Spanish delegate proposes.

And we must await White's discussion with Guiot of rights to be reserved for bondholders, &c., before taking decision.

[29065] No. 25.

Sir Edward Grey to Sir M. de Bunsen.

(No. 56.)
(Telegraphic.) *Foreign Office, July 9, 1912.*

YOUR despatch No. 103 of 6th July: Customs control in Morocco.

I agree with Mr. White's views and I am ready to accept principle of lines of customs control, subject to satisfactory arrangements being reached in regard to all the points mentioned in last three paragraphs of Mr. White's memorandum.

As regards recommendations of financial commission, I agree with Mr. White's memorandum enclosed in your despatch No. 100, especially in regard to tobacco monopoly.

Any agreement respecting customs should include a provision that customs revenues as a whole should contribute to development of ports, irrespective of the zone in which they lie, since whole country benefits thereby.

(Repeated to Tangier, No. 35.)

[27962] No. 26.

Sir Edward Grey to Sir R. Lister.

(No. 33.)
(Telegraphic.) *Foreign Office, July 9, 1912.*

TANGIER Municipality.

A note has been received from the French Ambassador contending that institution of municipality is a reform covered by article 1 of the Franco-German Convention of 1911, and that previous consent of Powers other than Germany and ourselves is therefore unnecessary; and that proposed discussion and elaboration of details by diplomatic body at Tangier will cause delay and be of no advantage.

I am explaining to Ambassador reasons for which we think formal adherence of all the Powers to a treaty with the Sultan is essential, but I am disposed to agree to French view in regard to intervention of diplomatic body. If delegates at Madrid can agree upon a satisfactory draft, including rather more detail than at first intended, intervention of diplomatic body loses its importance for us. Please telegraph your views.

(Repeated to Madrid, No. 53.)

[29350] No. 27.

Sir R. Lister to Sir Edward Grey.—(Received July 10.)

(No. 73.)
(Telegraphic.) *Tangier, July 10, 1912.*

YOUR telegram No. 33 of 9th July: Tangier municipality.

If M. Guiot proves amenable and Germany can be squared, no doubt much time and trouble would be saved if delegates were to draft detailed scheme.

Should difficulties be encountered we could still fall back on discussion by representatives here, when we are sure of a majority.

(Repeated to Madrid.)

[29364] No. 28.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 10.)

(No. 67.)
(Telegraphic.) R. *Madrid, July 10, 1912.*

FOLLOWING from Mr. White:—

"I had conversation with French delegate last night on his return from Paris. He has precise instructions to insist on maintenance of French control over Tangier customs and to oppose application to Tangier of the arrangements come to by the Franco-Spanish Technical Commission, especially as regards customs control. Reason given is that, in the case of Spanish zone, France is dealing with single Power, whereas at Tangier several Powers are concerned and difficulties might easily arise should payments fall in arrear. French delegate, moreover, has little confidence in the administrative capacity of the future municipality.

"At meeting held to-day French delegate urged acceptance of draft article regarding acquirement of rights of bondholders, &c., enclosed in Sir M. de Bunsen's despatch No. 95. He pointed out that last paragraph leaves the door open for future modification by arrangement with the parties interested. No decision was reached, but this may prove to be best we can obtain, as I have little hope of inducing the French delegate to endeavour to obtain modification of his instructions in regard to customs control. The Spanish Government attach great importance to the withdrawal of French control.

"At to-day's meeting draft article defining the powers of the municipality, transmitted in above-mentioned despatch, was adopted with the suppression of the land regulations from the exceptions in article 7.

"Spanish delegate suggests 10 pesetas as the amount of rent paid qualifiably for vote, that being lowest rent on which tax on urban buildings is paid. French delegate, whilst regarding this figure as absurdly low, declared that his Government had no strong views on the subject, and that he was ready to accept whatever Spanish delegate and I arranged. This change of attitude of French delegate will make it more difficult to bring Spanish Government to accept our views on this subject."

(Repeated to Tangier.)

[29517] No. 29.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 11.)

(No. 68.)
(Telegraphic.) *Madrid, July 11, 1912.*

YOUR telegram No. 56 of 9th July, last paragraph.

Mr. White asks if this refers to $2\frac{1}{2}$ per cent. special tax. No portion of original customs revenues has hitherto been applied to port improvements. Would it not be better to claim that municipality should retain whole of the special tax levied at Tangier irrespective of zone of destination of goods taxed? Municipality would thus obtain its full proportion of tax levied at all ports and would be free to dispose of it without

interference of other zones, whereas, if all ports are to be treated as a whole, there might be difficulty in obtaining Tangier's full share, and other zones would probably claim a voice in question of Tangier harbour works. Mr. White has heard privately that M. Porché has already urged that such a claim should be put forward.

(Repeated to Tangier.)

[29832] No. 30.

Sir R. Lister to Sir Edward Grey.—(*Received July* 15.)

(No. 172.)

Tangier, July 7, 1912.

Sir,

I HAVE the honour to acknowledge receipt of your despatch No. 80 of the 26th ultimo, relative to the question of the difficulties placed by the "bureaux arabes" in the way of the purchase of land by foreigners in the Shawia. You ask me for my observations on the whole question, and you say you would be glad to know more particularly whether I would recommend a representation being made to the French Government, and if so, in what sense and form.

It appears to me that there is little doubt, judging from M. Poincaré's recent speech taken with various other indications which have reached me, that very serious attention is being paid by the French Government to the whole question of the acquisition and tenure of land in Morocco, and that they realise that radical reforms are urgently required: I think, therefore, that we might do well to wait for a little and see the results of the examination which is doubtless in progress.

It would, I consider, be a mistake for me to raise the question at Tangier. I should, without a shadow of doubt, have all the foreign representatives with me, with the exception possibly of the Russian, who is the slavish handmaid of the French Legation, notwithstanding that his personal opinion is often opposed to theirs, and Great Britain would once more appear to be leading the charge against French abuses. This I think, for reasons of policy, would be regrettable, notwithstanding the fact that we have absolute right on our side.

At the same time I cannot help thinking, from various things which Mr. MacLeod has written to me, that General Lyautey is well aware of the fact that the "bureaux arabes" are inclined to exceed their powers and often require pulling up. He did not hesitate to reprimand them very sharply after the Fez mutiny, and gave them clearly to understand that they were to confine themselves to their duty, which was to collect information.

The idea therefore suggests itself to me that it might be a good thing for Mr. MacLeod, who is on excellent terms with the general, to say a word to him privately on the subject, and to represent to him the intolerable situation which has been created in the Shawia, as described by Mr. Murdoch (without of course mentioning names), whose statements would be fully endorsed by independent persons, of no matter what nationality. General Lyautey is a man of a very open mind and broad views, quite above the petty suspicion from which we so often have had to suffer at the hands of the French Legation in the past, and he is continually sending me charming messages through Mr. MacLeod to say how highly he values any hints or information which we may be able to give him, and which can do so much to help him in the difficult task which he has before him. It might at the same time be possible for you, sir, to say a word confidentially to M. Cambon on the subject, although I must say that in my opinion we are more likely to obtain satisfaction if the matter is treated with General Lyautey than through any other channel of communication with the French Government.

Should you approve my suggestion it would be very easy for Mr. MacLeod to introduce the subject with General Lyautey by referring to the recent assurances given by M. Poincaré with regard to the land question. He could say that we, in our desire not to increase the difficulties of the French Government, had not so far taken up the matter officially at all, but that at the same time now that it appeared likely that the whole question was to be gone into he felt it right to let General Lyautey know what the real situation was in the Shawia owing to the action of the "bureaux arabes."

I have, &c.

REGINALD LISTER.

[29835] No. 31.

Sir R. Lister to Sir Edward Grey.—(*Received July* 15.)

(No. 175.)

Sir,

Tangier, July 8, 1912.

THE situation at Marrakesh appears to be less strained, and it is to be hoped that as no collision has taken place up to now things may quiet down. The arrival of the old Kaïd Abdel Malik Mtougui, I believe, makes for peace. He is a "canny" and a prudent old man, and less likely to commit a rash action than his son, El Arbi, who, I am told, is violent and brainless.

As far as I can make out, the French authorities, before the arrival of General Lyautey, committed the folly of sending Kaïd Mtougui down to the south as khalifa or viceroy: this was exactly what they should have avoided. The only way of managing the south is to allow each one of the great kaïds to be supreme in his own territory, and to govern by means of them. Once you give the supremacy over the whole to one you arouse the jealousy of the others, and conflicts are inevitable. This is what has occurred. The Glawi were furious at Mtougui's nomination: they grew more and more restless, and no doubt indulged in a certain amount of intrigue. Then came the news of the appointments of the various brothers to the governorships of Marrakesh and Glawa. Mtougui, who held his appointment as khalifa of the south, thought that he had been abandoned and cheated by the French, an opinion which the Sultan apparently did all in his power to confirm. He refused absolutely to accept the appointments of the Glawi, and took immediate steps to prevent their being carried into execution.

General Lyautey is evidently well aware of the mistake that has been committed, and realises the necessity of maintaining the supremacy of the great kaïds in their respective districts. I trust that he will succeed in reassuring Mtougui, and that the latter will be prevailed upon to retire to his own country. At the same time, the situation is no doubt considerably complicated by the initial mistake the French committed in appointing him khalifa, and he will doubtless, and with justice, claim some sort of compensation.

I have, &c.

REGINALD LISTER.

[29935] No. 32.

Sir M. de Bunsen to Sir Edward Grey.—(*Received July* 15.)

(No. 106.)

Sir,

Madrid, July 11, 1912.

THE enclosed memorandum by Mr. White expresses clearly the present state of the Tangier negotiation as regards the most important point on which we are still at issue with France, namely, that the maintenance of the existing Contrôle de la Dette. When the negotiations began, it appeared to me that the arrangements which were then on the point of being concluded between France and Spain as regards the organisation of the custom-houses in the Spanish zone were of a character which would enable them to be applied as they stood to the custom-house at Tangier, and this impression was strengthened on reading the actual text of the report of the Franco-Spanish commission. It seemed natural that Tangier should enjoy, if it chose, the same privilege as that which had been secured by the custom-houses in the Spanish zone. On punctual payment every year by the municipality of the sum required for the service of the loans, the control of the Debt would, for the year in question, be suspended. It would automatically revive on failure to make the payment. Mr. White's memorandum, however, shows that on this point France is likely to make a strong stand. The French Ambassador, I know, entirely supports the view of M. Guiot. It is difficult to suppose that the French Government will change its mind on the subject, except under great pressure. France is evidently resolved to hold fast to the "contrôle" as a means of maintaining the influence which she derives from her superintendence of that body. This is probably her main motive, but it may be admitted that there is some force in M. Guiot's argument that, in case of controversy arising over questions of money payment to the bondholders, the composite body of the municipality would be more difficult to deal with than the single Government of Spain.

Moreover, as M. Guiot remarks, it remains to be seen whether the new municipality will prove an efficient administrative organ.

After talking the matter over with Mr. White I fully share his conviction that, even with the whole-hearted support of Spain, which is strongly opposed to the maintenance of the Debt control, it will be almost impossible to move the French Government on this question by any action or argument which can be employed at Madrid.

Should His Majesty's Government decide that the point is not one which can be yielded, I fear that direct representations at Paris, of a very persuasive character, would be required to attain our object.

Personally I am inclined to believe that a deadlock in the negotiation is likely to occur unless we are prepared to meet the French Government on this question.

Mr. White will await your instructions.

I am forwarding a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

P.S.—I enclose a further memorandum by Mr. White on the proceedings at yesterday's meeting.

M. DE B.

Enclosure 1 in No. 32.

Memorandum by Mr. White on the Tangier Customs Control.

M. GUIOT having returned from Paris yesterday afternoon, I had a long interview with him last night, and talked over some of the points in which a divergence of view exists.

M. Guiot told me that the French Government had resolved to accept a genuine internationalisation of Tangier without seeking to obtain for themselves any preponderating influence, either directly or through the Sultan, and that M. Poincaré had authorised him to accept, at his own discretion, without referring to Paris, any reasonable proposals that might be put forward in that sense. There were, however, three points upon which his instructions were absolutely precise. He must insist—

1. That the Tangier customs must remain under the Contrôle de la Dette;
2. That the Sultan should have a representative at Tangier, in the same manner as the other signatory Powers; and
3. That the Sultan's representative should be a member of the Committee of Control, to which the decisions of the municipality are to be referred.

On these three points M. Guiot repeated that he could not yield; all other matters he would approach with an open mind, and he would be ready to accept any reasonable proposition as to which the Spanish delegate and I were agreed.

I told M. Guiot that in regard to the second and third points he had mentioned I was prepared to go with him, but that as to the maintenance of the French control at the custom-house, I was instructed to ask that Tangier should be put on the same footing as the ports of the Spanish zone. M. Guiot at once said that it was quite impossible, the circumstances not being at all the same in the two cases. In the Spanish zone they had accepted the responsibility of Spain—a single Power, with whom they could treat if necessary; at Tangier, however, they would have to accept the joint guarantee of a collection of Powers, which was out of the question.

I observe that I should have quite understood his objection, were it a question of accepting a guarantee, but under the terms of the arrangement there was no question of that: the sum due for the service of the loan was to be paid at the commencement of each year, and the control by the representatives of the bondholders was merely suspended; it would come into operation again automatically the moment the payments fell in arrears.

M. Guiot replied that in theory that was so, but that in practice it would certainly be found that once the representatives of the bondholders were put outside the door of the Tangier custom-house, they would in no circumstances get in again. Moreover, he had some experience of municipalities in Tunis and Algeria, and he had small hopes of obtaining a competent municipality at Tangier; a study of Lord Cromer's book on

Egypt had, moreover, led him to have little confidence in the success of international institutions.

I saw M. Guiot again this afternoon, and discussed the matter further, claiming that Tangier should not be placed in this respect in a less favourable position than Spain in her zone. It was, however, quite impossible to move him. He observed that in the secret articles of the Anglo-French agreement of 1904 there was no mention of the internationalisation of Tangier, which it was then intended should become Spanish, whilst in the Franco-Spanish convention of that year it was merely stipulated that "the town of Tangier should retain the special position arising from the presence of the diplomatic body and its municipal and sanitary institutions." Now Great Britain was obtaining the complete internationalisation not only of Tangier, but also of a considerable area of adjacent territory, and France had been brought to renounce its original intention of securing a preponderating position in the municipality, and had accepted practically all our suggestions in regard to the composition of the municipality, its powers, the control of the foreign representatives, &c. We ought, therefore, not to be surprised if France asks us to meet her in regard to the maintenance of the acquired rights of the Contrôle de la Dette, Banque d'État, Régie du Tabac, &c. In none of the communications made by His Majesty's Government to the French Government had the slightest hint been given that we desired the withdrawal of their control from the Tangier custom-house, and my first communication to him in this sense had come as a complete surprise to him. M. Guiot added that he was quite prepared to accept that the municipality should receive its proportionate share of the surplus of all revenues assigned as security for the 1904 and 1910 loans, but further than this he could not go.

It appeared to me useless to pursue the matter further, as it was quite evident that M. Guiot, who is himself the head of the "Contrôle de la Dette," was determined to stand firm on this point. I therefore said that I would report his language to His Majesty's Government, and passed on to other matters.

Though it is undoubtedly desirable to obtain as much freedom as possible for the Tangier municipality, I do not attach extreme importance to the immediate removal of the existing control at the custom-house. This control will, I presume, lapse when the loans are paid off, and in the meantime I do not think that British trade will suffer through the action of the control officials. Moreover, as I observed in a previous memorandum, I much doubt the Tangier municipality being able, at first at any rate, to organise an efficient custom-house administration. The important point, in my opinion, is that of revenue, and on that point the French Government are prepared to meet our views.

M. Hontoria has on several occasions, in speaking with me, expressed himself very strongly on the subject of the removal of the French custom-house control, and I have informed him that I was equally desirous of obtaining it. I have not been able to see M. Hontoria since my conversations with M. Guiot, but the latter at this morning's meeting communicated to us his instructions on this point, and I have informed the Spanish delegate, M. Padilla, that my conversations with M. Guiot left me without hopes of obtaining any concession as to the control.

The last paragraph of the draft article on this subject submitted by M. Guiot, copy of which was enclosed in Sir M. de Bunsen's despatch No. 95 of the 28th ultimo, makes it possible to obtain later on some modification of the existing position, and it appears to me that it will be difficult to extract from M. Guiot any more definite concession on this point.

In regard to the other matters on which an agreement was reached by the Franco-Spanish Technical Commission, M. Guiot was not so uncompromising; he promised to study the points I had put before him, and to discuss them with me later.

H. E. WHITE.

July 10, 1912.

Enclosure 2 in No. 32.

Further Memorandum by Mr. White.

AT a meeting held yesterday morning M. Guiot submitted the following formula for the delegation of the Sultan's authority to the municipality:—

"Sa Majesté le Sultan délègue dans les conditions ci-après à la municipalité internationale l'administration du territoire défini à l'article .

"Dans la zone internationale le Sultan exercera, par l'intermédiaire d'un représentant, aussi bien au regard de ses nationaux qu'au regard de la municipalité, les droits et pouvoirs qu'exercent ou exerceront les représentants des Puissances."

M. Padilla objected to the appointment of a representative by the Sultan, and repeated the views of his Government that as under the terms of the protectorate treaty the French representative has charge of Moorish interests he is the proper intermediary of His Imperial Majesty in his relations with the foreign representatives. As to the nominated Moorish member on the municipality he could be designated by the Sultan himself.

A long discussion followed between M. Guiot and M. Padilla, and it was finally agreed that the latter should ask for further instructions. I stated that the desire of His Majesty's Government was that the municipality should have full powers of Government in the international zone, and that the foreign representatives should in that zone be in the same position as France would occupy in the French zone and Spain in the Spanish zone; it had, however, always been contemplated that there should be a Moorish representative in the international zone, who would be in much the same position as the foreign representatives.

It appears to me that the formula submitted by M. Guiot can be adopted; it will be read in conjunction with the draft article defining the powers of the municipality, the text of which was quoted in Sir Maurice de Bunsen's despatch No. 95 of the 29th ultimo. This article was finally accepted at this meeting with the suppression, at my request, of "règlement foncier" from the list of matters enumerated in sub-article 7, regarding which the municipality cannot legislate without previous agreement with the administrations of the French and Spanish zones.

M. Guiot, just before the close of the meeting, enquired whether we were prepared to adopt the draft article he had submitted safeguarding the acquired rights of certain institutions (see enclosure in Sir M. de Bunsen's above-mentioned despatch). No decision was come to, but, as stated in my memorandum of yesterday's date, I am of opinion that we can obtain no better terms in this respect.

H. E. WHITE.

July 11, 1912.

[30099] No. 33.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 16.)

(No. 110.) *Madrid, July* 13, 1912.

Sir,

THE discussion which has arisen as to the position and powers of the Sultan's representative in the Tangier zone appears to me to raise an important question of principle. The points at issue are explained in the enclosed memorandum by Mr. White. I confess that, in my own mind, I have hitherto taken it for granted that Tangier was to enjoy the same independence of direct control from Fez as the Spanish zone, and that, therefore, the Sultan's representative at Tangier would be nominated and removed, and would exercise his powers only with the expressed concurrence on all questions of the contemplated Board of Control, consisting of the foreign representatives, on which board he might or might not be given a seat. The Sultan's representative at Tangier, in other words, would be in the same subordinate position as the Sultan's khalifa in the Spanish zone, and the powers of the Board of Control would correspond as closely as possible to those of the Chief Commissioner of Spain in the Spanish zone.

It seems unlikely that Spain could be induced to accept the French view on this point under great pressure, and I venture to ask for your instructions as to the attitude which Mr. White should assume with regard to it.

I am sending a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

Enclosure in No. 33.

Memorandum.

AT an interview I had with M. Hontoria yesterday afternoon, he told me that the Spanish Government would never accept the proposal made by M. Guiot at the last meeting that the Sultan would appoint a representative at Tangier, who would exercise, in regard to his subjects and to the municipality, the same rights and privileges as will be exercised by the foreign representatives. His Government considered the matter so grave that Señor Garcia Prieto was addressing a note on the subject to Sir M. de Bunsen and to the French Ambassador.

M. Hontoria did not believe the French had originally any idea of the Sultan having a representative at Tangier, or of such a representative sitting on the Committee of Control, as in the French draft scheme of the 23rd March, it was provided that the Committee of Control should consist only of "la réunion des agents officiels étrangers."

I told M. Hontoria that I certainly had always been under the impression that the Sultan would have a representative at Tangier, and that was the view of His Majesty's Government, who considered also that he should sit on the Committee of Control, and I added that, though this would certainly give France an extra voice on that Committee, it was only two, or with Russia three, voices in twelve, so I did not consider the danger very great. I had supposed that the Sultan's representative in the international zone would be much in the same position as the khalifa in the Spanish zone, under the control of the foreign representatives, and practically independent of the Sultan.

M. Hontoria replied that he did not think that that was the present idea of the French. He considered that the presence at Tangier of a representative of the Sultan constituted a grave danger, and if he was to have the powers now claimed for him, the danger was even greater than they had at first anticipated. The Sultan might even appoint a Frenchman as his representative. To place the whole Moorish population under the jurisdiction of an official to be appointed by the Sultan, *i.e.*, by the French, would be tantamount to placing them all under French protection. France would have eight votes on the municipality, for with the large Moorish vote it would be easy for them to secure the election of three French and three Moorish councillors; in addition to those nominated by them, they would also have the vote of the Russian nominated member. Moreover, the cadi and the other Moorish officials necessary for the exercise of jurisdiction would all be selected by the French, and liable to removal at their demand, and French preponderance would be finally established.

I told M. Hontoria that I recognised the danger, but that it appeared to me that it would be extremely difficult to induce the French to accept the Spanish view in this matter. I would, however, be very glad if it could be done.

M. Hontoria argued that the claim now put forward by France was illogical and not consistent with the arrangements for the French and Spanish zones. In the former there would be the Sultan under the absolute control of the French, in the latter the authority of the Sultan would be represented by a khalifa to be practically selected by the Spanish Government and removable by them, so that he will be entirely under their control; in the international zone the authority of the Sultan should be represented by the municipality, and the control should be that of the foreign representatives. M. Hontoria added that he had been very pleased when I had, at our first meeting, assured him that His Majesty's Government desired a truly international municipality without a preponderating influence of any one Power; his disappointment had, therefore, been the greater when he saw us accepting claims put forward by France, which he considered assured them an absolute preponderance, whereas he had expected our assistance in resisting them. If the present proposals are to be accepted, the only course open to Spain will be to hasten to come to a private arrangement with France to unite their votes, and thus secure a certain majority on the municipal council, and extract therefrom all possible advantages, political and economic.

I informed M. Hontoria that I would report his views fully, and would await your instructions before going further in the matter.

This morning I called upon M. Guiot, and discussed the matter with him. He naturally strongly maintained the rights of the Sultan to exercise jurisdiction over his subjects in the international zone through his representative in the same manner as each of the signatory Powers exercised jurisdiction over their subjects through their representatives. He said it would be preposterous to place the Sultan in a position of inferiority in this respect, and his Government would never agree to it. The only

remedy was, he thought, the abolition of the Capitulations in the Tangier zone, and the establishment of special tribunals, which would deal with all judicial matters, irrespective of the nationality of the parties. When the other Powers were prepared to surrender the jurisdiction over their subjects to such tribunals, France would be prepared to accept their jurisdiction for the Sultan's subjects, but, until that time arrived, existing jurisdictions must be maintained for Moorish subjects as for foreigners. All the arguments I could use failed to shake M. Guiot from this position. It is evident that this proposal has been made under instructions from the French Government, who, it will be remembered, instructed him to withdraw his acceptance of the draft article defining the powers of the municipality. The new article now proposed modifies to a considerable extent the former article to which he now has given his adherence.

The danger involved in the acceptance of the new draft article did not, I admit, at first strike me, but I now realise that it is a real one, as it would greatly strengthen the position of France in the international zone, would make the large majority of the inhabitants practically independent of the municipality, which would have to apply to the Sultan's representative to exercise authority over them, to collect taxes, &c., and it would perpetuate the notoriously corrupt and inefficient Moorish tribunals until such time as the Powers consented to the abolition of the Capitulations. The difficulty is to find some solution which the French Government would accept. They will doubtless insist on the appointment of a representative of the Sultan (what his title will be, khalifa or naib, is unimportant) and on his sitting on the Committee of Control, whatever their original idea on this subject may have been; the only means, therefore, of counteracting the effect would appear to be either (1) to allow him to exercise no functions except as a member of the Committee of Control, leaving it to that committee to appoint and remove native officials; or else (2) to assure his being completely independent of the Sultan, when once appointed. His original appointment should be subject to the approval of the foreign representatives, and his dismissal equally so, it should even be provided that the foreign representatives should be able to obtain his dismissal, if necessary. This would, I presume, be sufficient to secure his consulting the wishes of the foreign representatives when appointing or dismissing cadis or other officials. The fear of such dismissal, in case of misbehaviour, would also act as a wholesome check on such officials.

This proposal does not go so far as the Spanish Government wishes; they object to any representative being appointed, or, if there must be one, they wish him to be a mere figure-head with no powers or authority whatever. As I have already observed, however, I fear it will be impossible to obtain the French consent to that; it will, I anticipate, be difficult to obtain it even for the second of the above alternatives; but I think that we should press that point as far as possible.

The only other solution, so far as I can see, is the abolition of the Capitulations in the international zone and the establishment of some form of mixed tribunals. It will, I think, be necessary, in any case, to adopt the idea of creating a tribunal with full jurisdiction over everyone residing in the zone in all matters connected with the administration, such as enforcement of payment of taxes and other charges, infliction of the prescribed penalties for all infractions of regulations made by the municipality and approved by the Committee of Control. If this is not done, all government will be hopeless, and the various regulations will never be enforced, as most of the consular courts refuse to give effect to such regulations as regards persons under its jurisdiction because some other consular court did not impose the prescribed penalty in another similar case. A distinction can, I think, be drawn between the Tangier zone and those of France and Spain, as the first will be international, and the judicial authority of the defendants will be represented on the bench. It remains, however, to be seen whether the Powers would accept this view; the French and Spanish Governments may use the desire to abolish the Capitulations at Tangier as a lever for obtaining their abolition in their respective zones.

[30246] No. 34.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 17.)

(No. 112.)

Sir, *San Sebastian, July 14, 1912.*

ONE of the principal difficulties which stood in the way of the conclusion of the pending convention between France and Spain concerning Morocco has at last been

removed by the signature on the 13th instant of an agreement relating to the proposed railway from Tangier to Fez. The document is signed by the commissioners who had been designated by their respective Governments to come to terms on this subject, namely, by M. G. Delure, chief engineer of the new Public Works Department for the French zone, and by Señores Lendueles and Morales of the Railway Department of the Spanish Ministry of Fomento.

The agreement provides for the formation of a single Franco-Spanish company to construct the railway. The capital is divided in the proportion of 60 per cent. to France and 40 per cent. to Spain. This proportion is likewise observed in questions of personnel and administration. Power is given to both parties to surrender in equal parts up to 8 per cent. of the capital to third parties, in case this course should appear expedient. Three separate concessions are contemplated to be granted, for the French zone by the Sultan, for the Spanish zone by the khalifa, and for Tangier by the competent authority. Conditions are laid down as regards adjudications, joint accounts, and other points. The *tracé* of the entire line is to be completed within three months of the signature of the convention, or presumably by the 13th October, 1912. The concessions can only be granted after ratification.

I will forward the text in due course, with Mr. White's observations on its bearing on the interests of Tangier.

I am sending a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

[30247] No. 35.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 17.)

(No. 113.)

Sir, *San Sebastian, July 14, 1912.*

THE enclosed memorandum by Mr. White of his conversation with Señor Hontoria, Spanish Under-Secretary of State, may be taken, I hope, as showing that our differences with Spain concerning the new constitution of Tangier are fining down to the single question of the franchise qualification. With France the main point at issue is that of the status of the Sultan's representative.

I am forwarding a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

Enclosure in No. 35.

Memorandum by Mr. White.

THE afternoon before leaving Madrid (the 13th July) I called upon Señor Hontoria to take leave of him, and have a last discussion of the points at issue between us. He told me that the Spanish Government would accept our proposal to limit to three the number of elected councillors of one nationality, but that they could not give way on the question of the franchise. In Spain they had universal suffrage, and they naturally would prefer the same system to be applied at Tangier. If, however, there must be a rent qualification, they maintained their demand that it should be 10 pesetas per month, so that at any rate all Spaniards who pay the house-tax should have a vote. It was a matter of great importance to Spain, and one on which public opinion would be strong. There were nearly 8,000 Spaniards at Tangier. Of these, according to M. de Villasinda, some 800, or perhaps even 1,000, would have a vote if the rent qualification were fixed at 10 pesetas, whereas, if it were raised to 10 pesetas, there would, M. Villasinda reported, be only about sixty Spanish voters.

I reminded Señor Hontoria that Spain herself had before only asked for 40 pesetas rent qualification, and I added that no discussion was possible if he now seriously maintained his demand for a 10 pesetas limit. My instructions were to adhere to our original suggestion of 120 pesetas. I might possibly be able to induce His Majesty's Government to agree to 100 pesetas if a satisfactory arrangement were reached in other respects, but it was quite useless my putting forward a proposal for so ridiculously low a figure as 10 pesetas. I should definitely have preferred to come

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to an arrangement on the subject, but if that was impossible the point must be reserved for settlement by the foreign representatives at Tangier.

To this Señor Hontoria replied that, if the point is to be discussed at Tangier, it will have to be decided by an unanimous vote and not by a majority vote, so that the result will be the same. Spain cannot be coerced in this matter, for she can make our acceptance of her views a condition for her consent to waive her treaty rights in other respects, such as the imposition of new rates and taxes on Spanish subjects and the application to them of the various regulations which will have to be made.

It would have been a mere waste of time to pursue the matter further, so I told Señor Hontoria that I would report our conversation to His Majesty's Secretary of State.

It will, I think, be necessary to yield on this point to a certain extent, and to accept a rent qualification considerably less than 120 pesetas. M. Guiot would, I believe, be ready to accept 100 pesetas as the limit, but he would undoubtedly prefer a lower figure, probably even as low as 40 pesetas. The knowledge of this fact has undoubtedly encouraged Señor Hontoria to adopt an uncompromising attitude on this point. If the matter is discussed at Tangier we shall probably have some of the other foreign representatives, besides the Spanish and French, in favour of a lower figure than 120 pesetas, and our position would be no better than it is now, for it would be impossible to impose the decision of the majority upon Spain. For these reasons I am of opinion that we must resign ourselves to seeing the rent qualification for franchise reduced even to 80 pesetas. Spain must, I should think, accept that figure, for she would hardly let the negotiations fall through by refusing so low a figure as that. I would, of course, make every effort to obtain their acceptance of a higher figure.

Some time since I informed Señor Hontoria that if his Government would accept our proposals: (1) to limit to four the total number of councillors of one nationality, including the nominated member, and (2) to fix the rent qualification for franchise at 120 pesetas, I should be prepared to suggest to His Majesty's Government to agree to a considerable concession as to the area of the international zone. The boundaries which I proposed to offer, after consultation with Sir R. Lister, were as follows: Starting from the mouth of Wad Zirrio, near Ras Kankux, the line would follow the thalweg of that river to the boundary of the Anjera tribe on the ridge of Jebel Beni Meyimel; it would then follow the boundary line between the Fahs on the one side and the Anjera and Wad Ras tribes on the other till it cut the Wad Zeghir, from which point it would follow the thalweg of that river and of the Wad Mharhar and Wad Tahardartz to the sea. The limits of the tribes are marked by dotted lines on the Spanish map annexed to my memorandum transmitted in Sir M. de Bunsen's despatch No. 91 of the 23rd ultimo. A commission would have, however, to verify the accuracy of this map and mark out the boundaries. It will be observed that under this proposal a small portion of the Fahs at Jebel Zinatz is assigned to Spain. The Spanish Government made a great point of having the whole of Zinatz as well as the Wad Dras enclave adjoining, and Sir R. Lister was of opinion that it would be advisable to meet their wishes in this region as well as in the Anjera, as it might prove inconvenient to the municipality to have to keep in order the villages of this hill district, which do not enjoy a good reputation and are apt to give trouble.

Señor Hontoria for some time refused to accept the limits as above defined, and at the end pressed very hard for Ain Dalia being included in the Spanish zone. He showed me a map on which was marked the future railway line from Tangier to Fez and a branch line to Tetuan. The latter started from Ain Dalia, which would be the junction. I pointed out, however, that it could not be said when the Tetuan line would be made or where it might eventually be decided to connect it with the Fez line. I therefore absolutely refused to give way any further on the question of area. The Spanish Government could, of course, if necessary, apply for a rectification of frontier later on account of the railway when it was to be built, although I did not see why it should not run for a short distance on international territory.

Señor Hontoria now accepted my proposal. I reminded him that I had always told him quite clearly that my offer was made in a purely private form, that it was in no way official and could not be made use of. I had always told him that I had no authority to put forward this proposal officially, but that should we come to an agreement on the other two points I would submit the proposal to His Majesty's Government.

Señor Hontoria has now given way on one of the two points, but this offer can still be used as a lever in connection with the question of rent qualification for franchise.

On other matters Señor Hontoria said that he was ready to meet our wishes. He

accepted my suggestion that the foreign representatives should be allowed to appoint members of their staff as nominated members of the municipal council. He also agreed to all the reserves in regard to the "lignes de transit" mentioned in my memorandum transmitted in Sir M. de Bunsen's despatch No. 103 of the 6th instant. He merely asked that some limit be fixed for the validity of the customs receipts presented at the "lignes de transit," and agreed to a limit of twelve months, which I said I would submit to His Majesty's Government. M. Guiot made a similar observation when I spoke to him on the subject, and it appears to me reasonable that some time limit should be fixed so as to prevent the presentation of receipts of very old date, which, in case of suspected fraud, it would be impossible to verify. Twelve months would, in my opinion, be a reasonable term to fix.

Señor Hontoria informed me that his Government remained absolutely firm in regard to M. Guiot's proposal that the Sultan should appoint a representative in the international zone with jurisdiction over natives. He said that a memorandum on the subject had been prepared, and would be sent by Señor Garcia Prieto to Sir M. de Bunsen and to M. Geoffray.

I told Señor Hontoria that I had already reported his views, but that it was desirable that His Majesty's Government should have Señor Garcia Prieto's memorandum before them as soon as possible.

Whilst on this subject I may mention that another serious objection to the natives in the international zone being under the jurisdiction of the Sultan's representative is that it would imply his having means of enforcing authority over them, which would necessitate his maintaining an armed force of some description.

I spoke to M. Guiot a few days ago on the subject of the reserves as to the "lignes de transit," and he was prepared to accept them all. He also said that at first sight it appeared to him reasonable that the Franco-Spanish agreement in regard to the Tobacco Régie should be applied to the Tangier zone, and that some provision should be made for giving the municipality certain rights of control in regard to their relations with the State bank. He would not, however, commit himself on these points until he had further considered them.

H. E. W.

San Sebastian, July 15, 1912.

[30399] No. 36.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 18.)

(No. 114.)

Sir, *San Sebastian, July* 16, 1912.

WITH reference to my immediately preceding despatch, I have the honour to forward translation of a memorandum which Señor Padilla delivered to-day personally to Mr. White, with the request that he would communicate it to me. Señor Padilla also left a copy at the French Embassy. This document was to have assumed the form of an official note, as Mr. White was more than once informed by Señor Hontoria. I presume that it has been thought advisable to cast it in a less official form, although no doubt it represents the well-considered views of the Spanish Government on the question of the status of the Sultan's representative in Tangier.

I am sending a copy of this despatch to Sir R. Lister.

I have, &c.

MAURICE DE BUNSEN.

Enclosure in No. 36.

Memorandum communicated to Mr. White by Señor Padilla.

(Translation.)

AT the meeting held on the 10th instant by the commission charged with preparing the bases of the municipal organisation of Tangier, M. Guiot submitted the following formula:—

"Sa Majesté le Sultan délègue, dans les conditions ci-après indiquées, à une municipalité internationale l'administration du territoire défini à l'article X (périmètre)

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Dans la zone internationale Sa Majesté le Sultan exercera, par l'intermédiaire d'un représentant, aussi bien au regard de ses ressortissants qu'au regard de la municipalité, les droits et pouvoirs qu'exercent ou exerceront les représentants des Puissances."

The Spanish delegate is under the full conviction that the expression "ressortissants" of the Sultan is not meant by the French delegate to go so far as to leave under the authority of His Shereefian Majesty the Moorish inhabitants of Tangier not under foreign protection. Indeed, so wide an interpretation would be contrary to the principles which the Spanish, French, and English Governments adopted as the point of departure of the conversations regarding Tangier, namely:—

1. That the Sultan should transfer his powers and the administration of the international zone to a municipality constituted in a manner to be determined;
2. That the position assumed by Spain and France in their respective zones should correspond in the international zone to the position of the collective body of the Powers; and
3. That in the said municipality, and generally in everything appertaining to the affairs of Tangier, the several Powers should be placed on a footing of equality, so that neither the possession of important economic or political interests, and of a numerous colony living in close proximity to the country of their origin, nor the circumstance of exercising a certain influence over the Sultan should confer upon any particular country a special position.

Well, then, it is self-evident that, inasmuch as to-day, under the institution of the Capitulations, the powers of the Sultan are exercised almost exclusively over the Moorish inhabitants of Tangier, the transfer of those powers precludes those inhabitants being considered any longer as "ressortissants" of His Shereefian Majesty. Otherwise, the municipality would have depending on its jurisdiction a territory, but no inhabitants. Even if some day the consular jurisdiction came to be abolished and a tribunal were to be set up in Tangier to punish the crimes and judge the lawsuits of foreigners and Moors without distinction, there would remain for the Moorish inhabitants of the city, supposing they were to be considered as Shereefian "ressortissants," a *de jure* and *de facto* dependency on His Majesty the Sultan as regards a considerable number of matters.

For instance, diplomatic or consular support would be afforded them by the representative of their Sovereign, and, as His Shereefian Majesty could only exercise his powers with the concurrence of the French Republic, such dependency would practically amount to a dependency on the French Government.

If the expression "ressortissant" is to be understood not in the above sense, but simply in the sense that Moors belonging to the French zone should fall in Tangier under the authority of the Sultan, a contradiction would arise between this hypothesis and the principle of the integrity of the Empire, which requires that the subjects of His Majesty Muley Hafid should continue to hold that status, but that, whatever their origin, they should be subject to the authority of the administration of the zone in which they reside.

If this principle were not to be applied in Tangier in the same way as it is going to be applied in the Spanish zone and in the French zone, the Government of His Majesty would be compelled to require that Moors belonging to the regions in which the Khalifa is to exercise his functions should fall, in the municipal zone, not under the authority of the Sultan, but under that of the Khalifa. And as, by reason of vicinity and easy communication, those persons will be in Tangier still more numerous than those belonging to the French zone, a representative of the Khalifa would have there just as much, if not more, *raison d'être* as a representative of the Sultan. The Spanish delegate, however, does not demand this, and he adheres to what he has declared in this paper and at the meetings of the commission, namely, that it is to the municipality of Tangier that the powers of the Sultan over his subjects living in the municipal zone must be transferred; that he raises no objection to the twelve "designated" councillors being made to include one named by His Majesty the Sultan, but only because otherwise the Moorish nationality would have no means of reaching the maximum of four councillors, to which the other nationalities may aspire; this reason not being applicable to the commission of control, which, according to the French proposal, is to be composed exclusively of the foreign official agents.

San Sebastian, July 15, 1912.

[27962]

No. 37.

Sir Edward Grey to M. Cambon.

Your Excellency, *Foreign Office, July* 23, 1912.

I HAVE not failed to give my earnest consideration to the memorandum which your Excellency communicated to me on the 28th ultimo on the subject of the arrangements to be made at Tangier.

I gather that the French Government still adhere to the view that, except Great Britain and Spain, none of the Powers diplomatically represented in Morocco can or should have any voice whatever in determining the system of municipal government to be set up at Tangier. I have already, on a previous occasion, explained at some length the reasons which make His Majesty's Government hesitate to accept this view unreservedly. The arguments now advanced by the French Government do not appear to me to meet the difficulties to which I then felt it right to call attention. It is argued that Germany by agreeing in advance—and the other Powers if and when they agree—to all such "measures of reorganisation" as the Sultan may, on the advice and with the assistance of the French Government, adopt for the purpose of carrying out the necessary administrative, judicial, economic, financial, and military reforms, have, or will have, divested themselves of any right to intervene in the question of the Tangier municipality, and that they will be bound to accept without question, and in whatever form it may be presented to them, any municipal organisation for Tangier, which France, in fulfilment of her engagements to Great Britain and Spain, will aid these two Powers in setting up, the other Powers being allowed to share in these advantages merely because it would not be practicable to exclude them.

It had not occurred to His Majesty's Government that the creation of an autonomous international municipality at Tangier could be held to be a "measure of reorganisation" within the meaning of article 1 of the Franco-German convention of the 4th November, 1911. Such description would no doubt be applicable to a scheme for setting up municipalities at all or any particular ports which would remain subject to a French protectorate in Morocco. But the case of Tangier is different. The Tangier municipality is not to be a part of either the French or the Spanish protectorates, but will have a status on an exact equality with these. And this status is to be not that of an ordinary "reformed" Moorish administration, but that of a semi-independent international community, in which all the treaty Powers are to enjoy equal rights. The exercise of these rights involves, as I have before had the honour to point out, the active participation, in some shape or other, of the official representatives of the Powers in the municipal government. This intervention of the treaty Powers cannot, in the opinion of His Majesty's Government, be properly described as something from which in practice those Powers cannot be excluded because it has been conceded to Great Britain and Spain. What Great Britain and Spain have requested, and what France has agreed to, is precisely this international character of the proposed municipality. It seems to His Majesty's Government, theoretically as well as pratically, impossible to establish an international body with semi-sovereign functions, without allowing the several States composing such body some voice in determining the conditions under which their participation would have to be effected. To present to them a scheme of municipal and international organisation as a *fait accompli*, to be taken or left, would be a course full of grave risks. It is clear that without the good-will of at least the majority of the treaty Powers, the municipality could never be effectively worked. For this reason, His Majesty's Government still think that some form of communication ought to be chosen which would allow the other countries concerned to offer, if necessary, criticisms and objections, and propose amendments. The questions involved are, moreover, so complex that it is far from certain whether a sympathetic consideration of the scheme by the Powers might not suggest some valuable improvement on one or the other point of detail.

It was on account largely of the importance of allowing the fullest scope to knowledge of the local conditions that His Majesty's Government proposed from the outset to leave the elaboration of details to the diplomatic body at Tangier, reserving for preliminary discussion between France, Spain, and Great Britain the guiding principles and main outlines of the scheme. I understood that the French Government had definitely accepted this mode of procedure, and it is a matter for regret that they now raise objections to it. His Majesty's Government are, however, as anxious as they

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have always been to meet the views and wishes of the French Government so far as they can, and they will be prepared, in the circumstances, to abandon so much of their original proposal as to allow the discussions now on foot at Madrid to cover the whole field of the proposed organisation for the Tangier municipality in all its details, in the hope that it may be found possible to arrive in this manner at an agreement between the three Powers as to the exact terms of a municipal statute.

His Majesty's Government feel, however, unable, as at present advised, to concur in the terms as agreed upon at Madrid being at once made absolute, and being then presented in the form of a completed instrument to the other treaty Powers. I would suggest, for the favourable consideration of the French Government, a procedure somewhat as follows :—

The agreement to be negotiated at Madrid should take the form of a convention, to which should be annexed, as an integral part, a Shereefian decree. This decree should be, in the first instance, in draft form. The three contracting States might then communicate the convention, together with the draft decree, to the German Government, inviting them to accede to the former and accept the latter. If the French views of what Germany has already accepted under the convention of 1911 should be shared by the German Government, there would be no difficulty in obtaining their assent and acceptance. If, on the other hand, they should incline to the view of the diplomatic situation which recommends itself to the British Government, Germany will have no cause to complain of the procedure adopted. Nor does there seem any reason to anticipate, if the municipal scheme is drawn up with due regard to the rights to be exercised under the statute by the several treaty Powers on a basis of equality as well as to the local requirements, that the principles agreed upon by France, Spain, and Great Britain as just and practical will not prove acceptable to Germany also. It remains, nevertheless, possible that the German Government may, especially as regards matters of detail, wish to indicate certain points susceptible of amendment and improvement. The three proposing Powers would place themselves in an unnecessarily embarrassing position if they had made it impossible to consider and give effect to suggestions thus put forward, without having to recall and modify a formal decree already signed and issued. It will always be open to them to reject any particular proposals or demands that the German Government may advance, but if any of those proposals were found to be in themselves reasonable, His Majesty's Government on their part would certainly hesitate to insist on their being absolutely disregarded, merely because all the details of the scheme must be considered to have been unalterably fixed by the three Powers. It would in these circumstances be impossible to refuse making concessions to the German Government, but the manner of making them would then involve a certain loss of dignity, and would be accompanied by an amount of irritation, which it would be more judicious to avoid.

The communication of the convention and draft decree to the remaining treaty Powers might, if the French Government desire, be deferred until the adherence of Germany has been obtained. In that case it would certainly be difficult for those Powers, whose interests are so much less vitally affected, to raise effectual further objections on their part. Any such objections could always be answered by an appeal not to obstruct a settlement which had with much trouble and difficulty been agreed upon between the four Powers most closely concerned, by mutual concessions and the sinking of individual differences.

The course above indicated would, as the French Government will not fail to observe, practically eliminate the danger to which they have called attention, that those Powers having only slight, if any, interests in Morocco might, by an attitude of obstruction and ill-will on the part of their respective representatives at Tangier, indefinitely retard the establishment of the municipality. His Majesty's Government accordingly trust that the line of procedure which they would be willing, out of deference for the views of the French Government, to follow will be found acceptable.

I have, &c.
E. GREY.

35

[31459]

No. 38.

Mr. Kennard to Sir Edward Grey.—(Received July 25.)

(No. 192.)

Sir, *Tangier, July 19, 1912.*

WITH reference to Sir R. Lister's telegram No. 75 of the 15th instant, I have the honour to transmit to you herewith copy of a memorandum which has been prepared by the State engineer at the request of Sir R. Lister, on the revenues which will accrue to the Tangier international zone on the establishment of the municipality. M. Porché at first begged that this memorandum might be treated as confidential, as he had already been censured by the French Government for expressing views which have been considered indiscreet, and he was anxious that his name should not appear in the expression of any opinion which would appear to further the interests of Tangier. On reconsidering the matter, however, he has decided to send a copy of the memorandum to the French Government in case it should be of service to them in the present negotiations.

As M. Porché has only just handed me the memorandum in time to send it by this morning's bag, I have been unable to examine it carefully, but you will observe that he estimates that the annual expenditure of the municipality will be at the lowest figure 2,000,000 fr. Under the revenue he places the urban tax at 250,000 fr. and other municipal taxes at the same figure. It will therefore be necessary that a further 1,500,000 fr. be provided. The harbour dues will, for several years at any rate, have to be applied to the construction of the port, which will, M. Porché estimates, involve an annual expenditure of 1,800,000 fr.

Under these circumstances M. Porché considers it essential that that part of the special tax of 2½ per cent. provided for under article 66 of the Act of Algeciras, which is collected at Tangier, should be devoted to the international zone, as well as any other portion of the customs revenue which it may be found possible to give to the international zone. While article 66 of the Act of Algeciras provides that this tax should be devoted to works for the development of navigation and commerce, M. Porché considers that it might be made equally applicable to the subsidiary works necessary to such development, such as the construction of roads and other municipal services.

M. Porché's views are of special value, as he is an expert in municipal finance, and has had experience in such questions at Sfax and Tunis. While he has not always been quite frank with this legation, more especially in the Casa Blanca port works question, I think that he is sincerely desirous of furthering the interests of Tangier, and he has undoubtedly devoted a great deal of study and attention to the development of the city.

I am sending copy of this despatch to His Majesty's Ambassador at San Sebastian.

I have, &c.
H. W. KENNARD.

Enclosure in No. 38.

Memorandum on the Future Budget of Tangier.

I.—*Dépenses.*

NOUS ne pouvons entrer dans le détail—d'ailleurs encore hypothétique—des dépenses.

Nous nous bornons à signaler qu'il sera nécessaire de réduire les frais généraux d'organisation au minimum.

Ceci dit, nous indiquons ci-dessous, pour permettre des rapprochements, le montant des budgets de quelques villes que nous avons eu l'occasion autrefois de relever pour montrer l'insuffisance (que les faits accusaient) du budget de la ville de Tunis. Aussi plaçons-nous cette ville en tête, non comme exemple, mais à titre documentaire.

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Désignation des Villes.	Exercice budgétaire considéré.	Population municipale.	Recettes de l'Exercice.			Ressources ordinaires moyens par tête d'habitant.
			Ordinaires.	Extra-ordinaires.	Totales.	
			Fr.	Fr.	Fr.	Fr. c.
Tunis	1906	180,000	2,000 000*	..	2,000,000	12 00
Alger	1905	134,000	4,300,000	1 550,000	5,850,000	32 00
Population municipale comprise entre 30,000 *et* 40,000 *Habitants* (*Villes de l'Intérieur.*)						
Poitiers	1905	34,000	970,000	385,000	1,355,000	28 50
Bourges	1905	36,000	950,000	330,000	1,280,000	26 50
Caen	1905	38,000	1,615,000	385,000	2,000,000	42 50
Population municipale comprise entre 60,000 *et* 100,000 *Habitants* (*Villes de l'Intérieur*).						
Orléans	1905	60,000	1,920,000	465,000	2,385,000	32 00
Reims	1904	64,000	2,370,000	430,000	2,800,000	37 00
Dijon	1905	65,000	1,945,000	550,000	2,495,000	30 00
Montpellier	1904	69,000	2,300,000	825,000	3,125,000	33 00
Limoges	1905	70,400	2,480,000	275,000	2,755,000	35 00
Nimes	1905	76,000	2,320,000	760,000	3,080,000	31 00
Nancy	1906	90,000	4,180,000	405,000	4,585,000	46 00
Population municipale comprise entre 100,000 *et* 150,000 *Habitants* (*Villes sur la Côte*).						
Nantes	1905	123,000	4,935,000	5,750,000	10,685,000	40 00
Le Havre	1905	127,000	5,725,000	1,520,000	7,245,000	45 00
Population municipale supérieure à 200,000 *Habitants* (*Villes sur la Côte*).						
Bordeaux	1905	257,000	12,050,000	1.800,000	13.850,000	47 00
Marseille	1905	482,000	18,890,000	9,870,000	28,760,000	39 00

* Dont une subvention de l'État de 275,000 fr. ; par contre, la ville ne bénéficie pas des droits d'octroi, qui sont perçus par l'État ; d'autre part, elle n'assume pas—ou du moins à un très faible degré—les dépenses de police, de culte, d'enseignement, d'assistance publique, qui sont supportées par l'État. Aussi le budget de Tunis est-il très anormal. *Cf.* ci-dessus celui d'Alger, qui, pour une population moindre, est plus que double de celui de Tunis. *Cf.* aussi les chiffres ci-après.

On voit que le budget de Tunis serait tout à fait impossible à équilibrer si cette ville assumait toutes les dépenses naturelles des municipalités. Mais, ainsi qu'il est indiqué au tableau, une grande partie des charges municipales est rattachée aux services de l'État ; il y a là une organisation toute spéciale.

En outre, Tunis, capitale, bénéficie de nombreuses dépenses d'État ; une partie de ses voies publiques, de ses bâtiments, sont construits par ce dernier. Encore, le budget de Tunis, même ainsi allégé, semble-t-il, comme nous l'avons indiqué, insuffisant, surtout pour une ville assez neuve, dans sa période de développement.

Or, il faut bien le remarquer, la situation de Tanger sera exactement inverse : cette ville assumera de très lourdes charges qui n'incombent pas aux autres villes précitées.

Si on excepte Tunis, on voit que la moyenne, par habitant, des ressources *ordinaires* ne descend guère au-dessous de 30 fr. et qu'elle dépasse parfois 45 fr.

Pour l'ensemble des quinze villes considérées (Tunis restant à part), la moyenne générale des ressources ordinaires annuelles par habitant ressort à 39 fr.

Mais le tableau montre que, partout, aux ressources ordinaires, s'ajoutent des ressources extraordinaires importantes, dont la plus grande partie provient d'impôts réguliers, lesquels, bien que dénommés "extraordinaires" sont en pratique permanents, au moins pendant de très longues durées ; pour plusieurs villes même, ces revenus dépassent les ressources ordinaires. Pour l'ensemble des quinze villes, la moyenne, par tête d'habitant, des ressources extraordinaires applicables aux exercices considérés, ressort à plus de 14 fr. Ce qui porte à 53 fr. par tête la moyenne de l'ensemble des ressources pour les exercices en question.†

Sans doute, les villes dont il s'agit supputent des charges d'administration, d'hygiène, d'assistance sociale et même de luxe, correspondant à un état d'organisation très avancé ; elles inscrivent à leur budget des sommes élevées pour leurs dépenses d'entretien ; elles ont en outre fréquemment à amortir une dette.

† Encore n'avons-nous pas tenu compte des budgets supplémentaires qui, dans la pratique, viennent majorer notablement ces chiffres.

Mais d'autre part, l'État, le département, interviennent toujours dans leurs dépenses, soit directement par une subvention, soit en ce qui concerne les bâtiments publics et les routes nationales et départementales, qui, bien qu'incorporés à la ville et la traversant ou la desservant, ne sont pas à sa charge.

Enfin, dans les villes considérées, les dépenses de travaux neufs sont relativement faibles en raison précisément de leur ancienneté ; ces villes ont traversé depuis longtemps la phase de développement intense où tout est à créer, et c'est précisément à ce moment qu'elles ont contracté les dettes dont l'amortissement absorbe aujourd'hui une part notable de leur budget qu'on peut évaluer en moyenne annuelle à 10 fr. par tête d'habitant (210 fr. par tête, en capital).

Or, cette période de gros outillage et d'emprunt est celle qui va s'ouvrir pour Tanger. En outre, les frais de personnel et le prix des travaux y sont plus élevés que dans les villes considérées.

Il ne semblerait donc pas déraisonnable de penser que cette ville, où tout est encore à créer et qui, nous ne saurions trop le répéter, va assumer *toutes les charges d'un État cumulées avec toutes celles d'un cité ordinaire*, devrait être pourvue d'un budget correspondant au taux de 50 fr. par tête d'habitant.

Or, on compte à Tanger environ 40,000 habitants, dont 10,000 Européens et 30,000 indigènes. On arriverait donc à un budget de 2 millions, lequel ne serait pas exagéré ; mais, pour être très modéré, nous admettrons que les besoins moindres de la population indigène (musulmans et Israélites) permettent de compter celle-ci pour 50 pour cent seulement de son nombre, Tanger correspondrait encore à une ville de 25,000 habitants européenne.

Au taux de 50 fr. par tête, on arriverait ainsi à un budget municipal de 1,250,000 fr.

C'est une évaluation très faible, puisque, même *si l'on compte les indigènes comme les Européens*, la recette totale (ordinaire et extraordinaire) d'Alger en 1905 revient, par tête, à 43 fr. 60 c. ; tandis que le chiffre de 1,250,000 fr. pour Tanger, appliqué, dans les mêmes conditions, à une population de 40,000 âmes, ne correspond qu'à 31 fr. 25 c. par tête.

Mais il y a plus. Tanger va avoir à assumer des charges toutes spéciales de police, c'est-à-dire une véritable armée qui n'a son analogue dans aucune ville d'importance comparative, où il existe simplement une petite police urbaine, municipale. Nous n'avons pas qualité pour fixer le montant de cette dépense—on a parlé de 600,000 fr. au moins, peut-être 1 million.

Sans pouvoir préciser davantage (puisque nous ne connaissons en rien ce que décideront les accords actuellement en discussion et qu'ils échappent totalement à notre compétence), nous croyons pouvoir affirmer qu'il faut envisager pour Tanger un budget de 2 millions, au minimum, y compris les dépenses de police auxquelles nous venons de faire allusion.

Encore ce chiffre ne correspond-il qu'à un développement modéré et craignons-nous de le voir insuffisant ; il serait prudent, selon nous, de le majorer de 500,000 fr., et même, si possible, de 1 million. En effet, nous n'avons jusqu'ici envisagé que *la ville* et non *la zone :* c'est que nous ignorons complètement ce que sera cette zone. Nous ferons seulement observer que, si elle ne s'étend, comme cela paraît devoir être, qu'à une faible distance de la ville, cette zone apportera probablement à la gestion municipale des charges plus lourdes que les recettes correspondants. Il faudra y exécuter des travaux, les voies de communication. Or, la région constituant l'hinterland immédiat de Tanger est, ou peu fertile et peuplée, ou pays insoumis : dans l'un et l'autre cas, on ne peut espérer y instituer d'ici longtemps un régime d'impôts d'un rendement appréciable ; aussi n'avons-nous pas compté dans le calcul du budget les habitants extra-urbains, dont le nombre nous est d'ailleurs inconnu, mais conduirait à majorer sérieusement les chiffres qui précèdent. A tous égards, en conséquence, le chiffre de 2 millions nous apparaît comme un *minimum minimorum*, peut-être insuffisant, et qu'il faudrait tendre à porter à 2½ millions ou même 3 millions.

Ajoutons en passant que, si on appliquait à un chiffre de 25,000 habitants—correspondant aux 40,000 existant réellement à Tanger—le taux de 10 fr. par tête comme charge annuelle des emprunts, la ville de Tanger pourrait supporter une annuité totale d'emprunt de 250,000 fr., correspondant à un capital de 5 millions. Ce chiffre donne une idée de l'emprunt qu'on sera conduit sans doute à envisager en quelques années pour le premier essor nécessaire.

Dans tout ce qui précède nous n'avons, bien entendu, pas envisagé le port—question vitale cependant. C'est que, dans toutes les villes considérées, le port et son budget ne rentrent pas dans le cadre des affaires municipales.

Les dépenses de construction du port peuvent être évaluées à 30 millions

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correspondant à une annuité d'intérêt et d'amortissement de 1,500,000 fr. au moins (si on trouve des fonds à 4½ pour cent d'intérêt; 1,650,000 fr. si on ne peut se les procurer qu'à 5 pour cent).

Les frais d'entretien et d'exploitation peuvent être évalués à 200,000 fr. par an (bien entendu, sans exécuter de travaux complémentaires).

Pour assurer la construction et l'exploitation du port, on doit donc tabler sur une annuité de 1,700,000 fr. à 1,800,000 fr., en dehors des chiffres précédents.

II.—*Ressources.*

(A.) *Taxe urbaine.*—Son rendement, lorsque cette taxe sera portée à 8 pour cent de la valeur locative, sera d'environ 250,000 fr.,* dont la moitié est actuellement réservée au Makhzen. Il paraît possible, en raison du caractère tout spécialement municipal de la taxe urbaine en tous pays qu'un arrangement intervienne pour que la ville de Tanger conserve la totalité des produits de la taxe urbaine. Nous tablerons sur cette hypothèse favorable.

(B.) *Autres Ressources municipales.*—Nous manquons totalement de données directes pour en évaluer le produit. Ces ressources paraissent pouvoir être notamment :

(*a.*) Les mostefadat, actuellement gérés par le Contrôle de la Dette, pour le compte du Makhzen.

(*b.*) Les taxes dont l'établissement est prévu par les articles 65 (*a*), (*b*), (*d*), et 69 de l'Acte d'Algésiras.

(*c.*) Les revenus du domaine et des établissements communaux, abattoirs, marchés, &c., actuellement concédés à la dette.

(*d.*) Le produit des droits de voirie.

(*e.*) Les contributions des riverains aux travaux d'égouts, chaussées et trottoirs, comme cela est institué dans les autres pays; *ces contributions ne constituant d'ailleurs pas des impôts, mais le paiement de services rendus directement aux particuliers.*

(*f.*) Les prestations communales.

Pour donner, sous toutes réserves, une idée approximative de ces produits, nous nous référerons aux chiffres atteints, au total, à Tunis et à Alger par les chefs analogues.

Tunis.—850,000 fr. pour 180,000 habitants, soit par tête 4 fr. 70 c.

Alger (*non compris le service des eaux*).—2,550,000 fr. pour 134,000 habitants, soit par tête 19 fr.

Ces chiffres sont très disparates, pour les raisons exposées ci-dessus.

En prenant comme moyenne 10 fr. par tête, avec le chiffre *de population réduite de 25,000 habitants* (nous ne croyons pas qu'il faille tabler sur un chiffre plus fort), on arriverait à 250,000 fr.

C'est, croyons-nous, un grand maximum, pour le moment au moins, et il est douteux qu'il soit atteint avant un certain nombre d'années.

Notons en passant qu'à Tunis, le produit des abattoirs est de 265,000 fr.—celui des marchés 20,000 fr., soit au total 285,000 fr., ou 1 fr. 60 c. par habitant. A Alger les abattoirs rapportent 540,000 fr., les marchés 520,000 fr., soit au total 1,060,000 fr., ou 7 fr. 90 c. par tête. En outre, à Alger, les octrois produisent 975,000 fr., soit 7 fr. 25 c. par tête.

A Tunis, ils sont perçus au profit de l'État, qui accorde comme, compensation, une subvention annuelle de 275,000 fr. à la ville.

Quant aux recettes de l'exploitation des eaux, il ne faut pas compter que, d'ici longtemps, elles soient productives de bénéfices en faveur de la municipalité, étant donnée l'obligation d'élever ces eaux, et les charges multiples d'exploitation; il faudrait plutôt tabler sur la nécessité d'une subvention au début, ou tout au moins d'une garantie de consommation, par les services municipaux.

(C.) *Impôts d'État applicables à la Zone internationale.*—Nous donnons également, sous toutes réserves, les *indications* suivantes, qui ne constituent nullement des propositions, puisque nous ignorons quelles sont les vues sur ces objections :—

(*a.*) Impôts coraniques ou tertib, perçus dans la zone.—Le produit en sera sans doute assez faible, hors ville, pour les raisons indiquées ci-dessus.

(*b.*) Part de Tanger et de sa zone dans le produit net du monopole des tabacs.

Nous ignorons ce que peuvent produire ces deux chefs de ressources.

* Le montant total de la valeur locative recensée à Tanger (propriétés bâties) est d'environ 3,300,000 fr.

(*c.*) *Droits maritimes.*—Sous les mêmes réserves, taxe d'appontement actuellement perçue par le Conseil sanitaire.

(*d.*) Droits de phares des Caps Spartel et Malabata (si ces phares sont situés dans la zone), lorsque les droits de phares auront été institués, comme il est prévu à l'article 65 de l'Acte d'Algésiras.

(*e.*) Les droits prévus à l'article 65 (*c*) de l'Acte d'Algésiras.

III.—*Caisse spéciale et Douanes.*

Il ne nous appartient nullement de faire des propositions en vue de l'affectation des ressources de la Caisse spéciale et de l'excédent des droits de douane (c'est-à-dire, déduction faite de la part afférente aux frais de perception et au paiement des coupons des deux emprunts de 1904 et 1910) perçus au port de Tanger.

Nous signalons seulement que, d'après un calcul approximatif, nous sommes arrivés aux chiffres suivants pour les revenus annuels correspondants, pendant les années qui vont suivre :—

	Fr.
Caisse spéciale	350,000
Excédent net des douanes	1,200,000
Total	1,550,000

Si ces revenus pouvaient être affectés, soit au gage du port de Tanger, en attendant que les recettes de ce port suffisantes, soit aux besoins municipaux de la zone, l'avenir serait assuré.

IV.—*Port de Tanger.*

Nous avons réservé la question du port pour la fin, car nous ignorons comment celui-ci sera construit et géré.

Quelles que soient les modalités adoptées, on pourrait envisager que l'excédent des recettes du port reviendraient, en totalité ou en partie, à la ville, dont le développement intéresse directement celui du port.

Les taxes de port, qui, d'ailleurs, sont prévues aux articles 65 (*e*) et 70, de l'Acte d'Algésiras, ne constituent pas des impôts, mais, comme nous l'avons observé plus haut pour certaines taxes municipales, le paiement de services rendus.

On doit les établir de manière que cette charge soit compensée, et au delà, par les avantages et économies, directs et indirects, qui résulteront de la présence du port, pour les armateurs, les commerçants et le public; en sorte que, nonobstant l'application des taxes, chacun bénéficie d'une amélioration sur le régime actuel.

Nous avons étudié longuement cette question et croyons qu'au début on pourra imposer facilement des taxes dont le produit total (compris taxes sur le navire et sur la marchandise, acconage, débarquement) correspondrait à 5 à 6 fr. par tonne de marchandises.

D'après les données qui précèdent, pour parer aux dépenses de construction et d'exploitation du port, il faudrait donc un trafic de 300,000 tonnes par an.

Or, ce trafic ne dépasse pas 80,000 tonnes actuellement, ce qui correspondrait seulement à une annuité de 500,000 fr. au plus. Nous ne doutons pas qu'il s'accroisse très rapidement. Voici quelques éléments de comparaison : De 1885 à 1895, c'est-à-dire au cours des deux premières années du protectorat tunisien, avant qu'on eût achevé les ports de Tunis et de Bizerte, commencé ceux de Sousse et Sfax, et avant tout développement minier, le trafic de l'ensemble des ports de la régence passait de 196,000 à 500,000 tonnes, c'est-à-dire s'accroissait dans la proportion de 1 à 2·55, par le simple effet de l'organisation générale du pays. En 1910, après l'exécution des grands travaux, ce trafic atteignait 2,590,000 tonnes. Il s'était donc accru, en vingt-cinq ans, dans la proportion de 1 à 13. De 1880 à 1906, le trafic des ports algériens passait de 1,510,000 tonnes à 5,411,000 tonnes, c'est-à-dire s'accroissait dans la proportion de 1 à 3·5. Le port d'Alger, à lui seul, passait de 479,000 à 2,462,000 tonnes, c'est-à-dire était plus que quintuplé, au cours de cette période de vingt-cinq années. Et il faut noter que cet accroissement partait déjà d'un état social très avancé; tandis que le Maroc est encore à son début, c'est-à-dire à une période où le développement est le plus rapide. L'influence des grands travaux de port se manifeste en Algérie pendant la période 1880–1900, au cours de laquelle on a dépensé 50 millions pour cet objet; durant cette période, le tonnage d'Alger est passé de 479,000 à 1,327,000 tonnes, c'est-à-dire a presque triplé.

Enfin, au cours des sept années 1900–1907, le trafic en marchandises du port d'Alger a encore doublé. Mais il n'en reste pas moins vrai que, pendant un certain

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nombre d'années, le port de Tanger pourra à peine se suffire à lui-même, *et qu'il ne faut pas s'attendre à ce que ses recettes viennent grossir le budget municipal.*

V.—*Octroi de Mer.*

Nous signalons en terminant, à titre de simple renseignement, qu'en Algérie, l'institution d'un octroi de mer, dont le produit est affecté aux besoins municipaux, a puissamment contribué au développement des villes algériennes.

Cette institution pourrait peut-être, en cas de besoin, être envisagée pour Tanger.

Conclusions.

Nous avons montré, par des faits d'expérience très concordants, que, pour faire face à ses charges, il semble qu'un budget annuel minimum de 2,000,000 de francs est nécessaire à la zone de Tanger, et qu'il serait désirable que ce chiffre fût porté à 2,500,000 fr.

Nous avons relevé, d'autre part, les recettes probables qui seront perçus à Tanger ou dans sa zone, et nous avons chiffré celles qui pour pouvaient l'être approximativement.

Nous n'avons, bien entendu, aucune proposition à formuler au sujet de l'application des recettes en question aux besoins municipaux proprement dits et à ceux de la zone internationale, encore moins au sujet de la ventilation des recettes douanières entre Tanger et sa zone internationale d'une part, et le reste du Maroc, d'autre part; cette question dépasse notre compétence et doit faire l'objet d'accords entre les Gouvernements.

Nous avons simplement indiqué ces chiffres, ainsi qu'il nous était demandé.

Sous ces réserves expresses :

(*a.*) *Municipalité et Zone internationales.*—Nous n'avons pu chiffrer exactement qu'une seule recette : celle de la taxe urbaine ; en supposant l'application du taux de 8 pour cent, prévu aux règlements, et l'attribution à Tanger de la totalité du produit de cette taxe, nous arrivons au chiffre de 250,000 fr. Nous pouvons évaluer le produit de toutes les autres taxes municipales au même chiffre, soit 250,000 fr. au maximum. Total, 500,000 fr.

Nous ne croyons pas que ces chiffres soient dépassés au début ; il faudrait donc, si aucune autre ressource ne vient en aide à Tanger et à sa zone, que le produit des impôts d'État (tertib, tabacs, &c.), qui y seront perçus, dépassent un rendement de 1,500,000 fr. ; nous n'avons aucune idée de leur rendemement possible.

On pense assez généralement que les recettes du port viendront en aide au budget municipal ; nous avons montré que l'annuité de construction et d'exploitation pouvait être évaluée à 1,800,000 fr., qui, avec une tarification normale et le tonnage actuel, ne correspondrait qu'à une recette de 500,000 fr. ; on voit donc que, dans ces conditions, non seulement le port ne pourrait contribuer à la prospérité financière de la ville, mais qu'il serait lui-même déficitaire. Hâtons-nous d'ajouter que, très vraisemblement, la situation du port s'améliorera vite et qu'il nous paraît probable qu'au bout de quelques années (une dizaine peut-être) les recettes équilibreront les dépenses, puis, ensuite, les dépasseront.

Mais, dans la période de début, qui pourra être d'une certaine durée, nous ne voyons guère la possibilité d'équilibrer le port financièrement, qu'en y affectant une partie des ressources de la Caisse spéciale et des droits de douanes perçus à Tanger. On vient de voir que si le trafic actuel se maintenait, le déficit serait de 1,300,000 fr. par an ; il n'en sera certainement pas ainsi, mais il faut prévoir néanmoins que ce déficit existera.

Nous ignorons complètement quelle sera la fraction, applicable à la garantie du port, des produits de la Caisse spéciale et de l'excédent des droits de douanes dont nous avons indiqué plus haut le total probable pour le port de Tanger.

Il nous paraît toutefois probable que la plus grande partie de ces ressources sera absorbée pour la garantie des dépenses de construction et d'exploitation du port et qu'il restera des disponibilités faibles ou même nulles, pouvant être affectées aux besoins de Tanger et de sa zone.

D'autre part, il nous semble douteux, pour les raisons indiquées, que le produit des impôts d'État dans la zone, suffisent à équilibrer le budget municipal, au moins au début.

Mais il faut observer que les travaux du port dureront quatre ou cinq années ; au

cours de cette période, on n'aura à assumer la charge que d'une partie des dépenses d'exploitation ; à l'expiration de la même période, il est probable que le trafic actuel aura déjà considérablement augmenté, du fait du développement général du Maroc ; l'accroissement considérable des recettes du commerce, depuis trois années et avant toute organisation, permet de bien augurer de l'avenir.

Il nous semble donc qu'on pourrait, en cours des quatre ou cinq années qui vont suivre, affecter une partie des recettes de la Caisse spéciale et de l'excédent des droits de douanes perçus à Tanger, aux besoins municipaux, puisque ces ressources ne seront pas encore absorbées par le port ; mieux encore, si le port fait l'objet d'une concession, il serait possible de convenir avec le concessionnaire, que les annuités de garantie de ses dépenses seront différées de quatre ou cinq ans ; il en résulterait simplement un compte d'intérêts moratoires et un allongement du délai d'amortissement des capitaux du concessionnaire qui pourrait être porté, par exemple, de cinquante à cinquante-cinq ans. Cela n'aurait aucune importance pour l'avenir et sauvegarderait le présent, en permettant de donner à Tanger, pendant cette phase de début, critique pour son développement, les ressources nécessaires ; ce faisant, on servirait les intérêts du port lui-même, dont le développement est intéressé à celui de la ville.

Sans qu'il nous soit permis en rien de donner ce chiffre comme rigoureux, on pourrait ainsi notamment affecter sur les revenus en question, pendant cinq ou six ans, une somme de 700,000 à 800,000 fr. ou même davantage, pour les travaux municipaux dont l'urgence s'impose.* Ce concours permettrait de transformer véritablement la ville ; il faut espérer qu'à l'expiration du délai en question, le développement de celle-ci lui permettrait plus facilement de faire face à ses besoins par ses propres moyens ; au contraire, faute de ce concours, il serait à craindre que la ville ne se développât pas, faute de ce point de départ, et ne pût jamais acquérir des ressources suffisantes pour satisfaire à ses lourdes charges. Nous donnons, bien entendu, ces indications sous toutes réserves.

Nous avons indiqué plus haut qu'on pourrait, en cas de nécessité, envisager l'institution d'un octroi de mer ; mais nous devons faire remarquer que cette taxe, spéciale à Tanger, s'ajoutant à des droits de douanes déjà élevés, pourrait peut-être en écarter le trafic.

Enfin, et également sous les plus expresses réserves, nous nous permettons de suggérer que peut-être pourrait-on demander aux Puissances, ou, du moins, aux principales Puissances intéressées dans la gestion de Tanger, des subventions pour assurer l'équilibre budgétaire de cette ville ; ce serait, en somme, sur une échelle plus grande, une combinaison analogue à celle, grâce à laquelle les Puissances ont pu assurer la construction et le fonctionnement du phare du Cap Spartel. Il est probable que, dans les autres zones (comme dans la plupart des pays), les municipalités recevront des subventions et concours sur le budget général. En outre, la construction des ports sera assurée par l'État.

La situation spéciale de Tanger semblerait motiver un traitement analogue, adapté à cette situation.

Le plus sûr moyen, d'ailleurs, de diminuer l'importance et la durée de ces concours, sera de donner à Tanger, dès le début, les moyens de se développer elle-même, et, par suite, de développer ses recettes.

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Sir Edward Grey to Sir M. de Bunsen.

(No. 81.)

Sir, *Foreign Office, July 27, 1912.*

I HAVE carefully studied the question of the powers which are to be attributed to the Sultan's representative on the municipal council of Tangier, as explained in your Excellency's recent despatches.

The question is both difficult and delicate, but I think the solution lies in a clear understanding of the following principle :—

Theoretically speaking, there will be in Tangier two official posts held by representatives of the Makhzen : one, that of the Sultan's representative on the

* On pourrait aussi envisager l'affectation de cette ressource à un emprunt ; au bout des cinq ou six années, les recettes de la ville permettraient sans doute d'en continuer le service.

Committee of Control, who will be in precisely the same position, and possess the same powers, as his French or Spanish or British colleagues; the other, the posts of the Moorish official, khalifa, or naib, or whatever his title may be, who will stand to the municipal council in exactly the same relation as the khalifa in the Spanish zone to the Spanish chief commissioner.

In practice, these two posts can, and no doubt will be filled by one individual, but it is important to bear in mind the distinction between the functions attaching to the two offices.

The duties of the Sultan's representative on the Committee of Control will be confined to exercising, in conjunction with his foreign colleagues on that body, a general control over the proceedings of the municipal council. I would note here that the French Government desire that such control should be limited to the prevention of any infringements of treaties, of the municipal statutes, or of equality of treatment of different nationals (see notes communicated by M. Cambon on the 25th March last: "Morocco" Print, March 25, Section 1), and that they have never replied to my memorandum of the 2nd May last ("Morocco" Print, May 2, Section 2), urging the necessity, at all events in early days, of a system of general control. The difference between these two views has since been somewhat narrowed by the French proposal accepted by His Majesty's Government, that persons holding official appointments under the respective Governments of the several Treaty Powers should be allowed to sit as members in the elected municipal council. It is clear that if, as a result of this arrangement, all or the most important of the Treaty Powers were to be practically represented in the body of the council, it would no longer be so essential to give the widest and most general powers of veto or supervision to the Committee of Control.

However this may be, the so far still unsettled difference of opinion on this point is not of immediate interest in this connection. The important fact is that, even if the widest extent of the powers of the Committee of Control, for which His Majesty's Government have pressed be accorded, the functions of the Sultan's representative on that committee will be limited to exercising in conjunction with his colleagues a general supervision over the proceedings of the municipal council. The question therefore of any direct powers of jurisdiction over Moorish nationals does not arise here in any way, and I trust that the Spanish Government will realise that it would be illogical and unfair to exclude Moorish representation from the Committee of Control, and that in the actual conditions under which such representation will exist there is no danger of any undue predominance of Moorish influence, or of French influence exercised through pressure on the Sultan.

It is, of course, possible, although His Majesty's Government see no reason to anticipate this, that France will have the general support of the Moorish vote in the deliberations of the Committee of Control, but I do not consider that this is a circumstance which would justify a refusal to admit the majority of the inhabitants of Tangier to equal representations on the body which will be responsible for their civic well-being.

In this connection it might, however, be well to meet the point raised by Señor Hontoria, as reported in your Excellency's despatch No. 110, that the Sultan might even appoint a Frenchman as his representative, by inserting, in any scheme that may be agreed to, a clause stating that the Sultan's representative on the Committee of Control must always be a Moor resident at Tangier.

There remains to be considered the position of the Moorish official, who will represent the Makhzen in its relations with the municipal council. The title of this official is comparatively unimportant, but for the sake of convenience I will refer to him as the khalifa.

It is here, in connection with the appointment of a khalifa, that the question of jurisdiction over, and protection of, Moorish subjects arises, since, pending a reorganisation of the existing system of tribunals in Morocco, the present native courts must remain for the settlement of Moorish cases, and there should clearly be some link between the Sultan and the municipality on the one hand and the Moorish population on the other. Such a link will exist in the person of the khalifa.

It is understood that the French and Spanish Governments contemplate the abolition of the Capitulations and consular courts in their respective zones at no distant date, and it will then be proper to consider the question of their abolition in the international zone also and their replacement by an equitable and workable system of reformed courts, before whom all inhabitants of the municipal area will be justiciable. But the preparations to this end need time, and the municipality must have funds to

bear the expense of maintaining such courts, and meanwhile, as I have already said, the native tribunals must continue.

This condition of things does not, however, imply the exercise of any jurisdiction by the khalifa. He may perhaps formally appoint cadis in the name of the Sultan, but such appointments, if not made by, must at any rate have the approval of the municipality, just as in the Spanish zone they will no doubt, either explicitly or practically, be subject to the approval of the chief commissioner.

The cardinal principle must never be lost sight of, that the municipality stands to the Sultan in Tangier in precisely the same relation as Spain and France to His Majesty in their respective zones, and it would be contrary to that principle that the khalifa in Tangier should exercise any powers which are not subject to the ultimate control of the municipality.

Effect can be given to this postulate by, *e.g.*, arranging that the nomination of the khalifa shall be made by the Sultan by selection from one of two names which will be submitted to His Majesty by the municipality, who should, moreover, have the right to demand the khalifa's dismissal on reasonable grounds, such as incompetency or corruption.

I trust that the views set forth above will reconcile the Spanish Government to the presence of a Moorish representative on the Committee of Control, and will commend themselves to the French Government as assuring a proper representation of native interests while avoiding the grant of peculiar and excessive powers to the khalifa, which would be both contrary to the spirit in which the internationalisation is to be set up, and would inevitably hamper, and conflict with, the administration of the municipality. To take one instance, mentioned both by Señor Hontoria and Mr. White, if the khalifa were to be made responsible for the payment of rates, municipal dues, &c., from the Moorish population, he would certainly require officials and police to collect them, or to enforce penalties in cases of non-compliance. But it would be dangerous and absurd to have two bodies of police, one dependent on the municipality and one on the khalifa, to do what is obviously part of the duties of the former, and the proper method for enforcing the payment of taxes, in cases where the intervention of the Moorish authorities, judicial or other, should be requisite, would be for those authorities to apply for the services of the municipal police, to be employed under the municipality's authority.

Mr. White should continue the discussions on these lines, but I shall be glad to receive any suggestions or modifications he may propose. I should, for instance, wish to know how the cadis or other judicial officers and adools are appointed at present, and what arrangements have been made in the Spanish zone for filling and supervising such posts, and for avoiding the attribution of excessive power to the khalifa there.

I am, &c.

E. GREY.

[29935] No. 40.

Sir Edward Grey to Mr. Carnegie.

(No. 361.)

Sir, *Foreign Office, July* 27, 1912.

YOU will observe from a perusal of the accompanying despatches from His Majesty's Ambassador at Madrid*, that in the discussions now taking place there respecting the internationalisation of Tangier a difficulty has arisen in regard to the question of the control of the customs in the international area.

It is probable that a satisfactory solution will more easily be found if the views of His Majesty's Government on this matter are clearly expressed to the French Government before any further negotiations are attempted by the French and British delegates at Madrid, and I have therefore to request that you will make a communication in the following sense to the Minister for Foreign Affairs:—

The French delegate on the Madrid conference has insisted on the maintenance in Tangier of the existing Contrôle de la Dette, and has based this demand on three main grounds.

In the first place, M. Guiot has observed that the first official mention made to him by Mr. White on the 9th instant of the desire of His Majesty's Government that

* Nos. 17, 19, 20, 22, and 32.

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the Tangier customs should be placed on the same footing as those of the ports in the Spanish zone came as a complete surprise to him, inasmuch as in none of the communications made by His Majesty's Government to the French Government had any hint been given of a wish for the withdrawal of the French control.

It is quite true that His Majesty's Government had not previously put forward any definite expression of this desire, though they had, in the memorandum communicated to M. Cambon on the 14th March last, stated that "special arrangements will have to be made regarding the customs."

The reason is that His Majesty's Government have been awaiting the results of the negotiations which they were aware were in progress between France and Spain on this point, for M. Cambon, in a note of the 10th February last, transmitting a draft scheme for a municipality at Tangier, expressly stated that the customs question was reserved, as it was under discussion at Madrid.

His Majesty's Government understood, from the communications which had previously passed upon this subject, that the line on which the negotiations between the French and Spanish Governments respecting the abolition of the control in the Spanish zone were proceeding was the acceptance of a guarantee to be given by the Spanish Government for the payment of the sums required for the service of the 1904 and 1910 loans, and the annuity of 2,740,000 fr., and they felt that it would be difficult, without a more thorough examination into the matter on the basis of fuller particulars, to contemplate an analogous guarantee in Tangier, since the credit of the municipality would not be expected to offer sufficient security, at all events at first, and a collective guarantee of the eleven treaty Powers would be almost impossible to arrange, so much so that it appeared probable that the only alternative would be provisionally to continue the Contrôle de la Dette, as foreshadowed in the memorandum attached to my note to M. Cambon of the 2nd May last, subject to its extinction at the earliest time when such a measure should become practicable. It was therefore necessary to wait and see what would be the conditions on which France and Spain would agree, and then consider whether these could be applied to Tangier. An agreement, as His Majesty's Government understand, has now been reached, and it takes the form not of a guarantee, but of a payment by Spain, at the beginning of each financial year, of the sum due at the close of that year from the Spanish ports for the service of the loans, &c. This sum is to be assessed on the customs revenues of the previous year, by comparing the whole customs revenues of Morocco with the whole amount required for the service of the loans, and allotting to the Spanish ports a share due for that service proportional to their customs returns as compared with the entire customs revenues of the country. Moreover, in case of any default of payment, the Contrôle de la Dette automatically reassumes administration. This seemed to His Majesty's Government an eminently practical and reasonable arrangement, and one which was entirely applicable to Tangier, and they accordingly at once instructed their delegate to claim a similar arrangement for the international zone.

Even supposing that the municipality may not at first be in a position to meet the advance payment, His Majesty's Government consider that the principle should be maintained, and that it should be laid down that the municipality can take over the customs administration at any time on giving due notice and depositing the sum due for the service of the loans.

M. Guiot's second objection to the withdrawal of the Contrôle from Tangier appears to be the absence of any responsible security for punctual payment of the amount due for the service of the loans.

It is natural and reasonable that the French Government should, in the interests of their bondholders, insist that nothing should be done to impair the security on which their money has been advanced, but, as I have pointed out above, there is no question of Tangier having to find a guarantee. All that happens is that the municipality at the beginning of the financial year hand over to the Contrôle de la Dette a certain sum due for the coming year. So long as that payment is punctually made the interests of the bondholders are secure, and if there is any delay the Contrôle de la Dette automatically reassumes administration, and, as regards Tangier, the bondholders' interests are as adequately safeguarded as in the French zone. It must be remembered that, thanks to the provision of the stipulated advance payment, the Contrôle de la Dette will not, in assuming administration in case of default, be faced with a deficit to be made good before resumption of payment from Tangier revenues to the bondholders, but will merely have to deduct from the revenues of the current year the sum charged on those revenues for the service of the loans. It therefore seems to His Majesty's Government that there can be no danger to the bondholders' security under a municipal

administration of the Tangier customs, which will be subject to the safeguards described above.

M. Guiot's third reason for refusing to relinquish the administration of the Tangier customs to the municipality is the probable incompetence of that body and its inability to establish an efficient organisation.

His Majesty's Government quite see the force of this objection, and it is obvious that, if the Tangier customs revenues were to diminish through inefficient administration, the security of the bondholders would be weakened proportionately.

There would not, however, seem to be any reason why the present customs staff at Tangier should not provisionally be taken over by the municipality, and thus ensure that the machinery shall continue to run smoothly, while the presence of official members on the municipal council will assure to that body an element of efficiency and allow of the formation of a strong and efficient sub-committee to be specially charged with the duty of supervising the Customs.

Moreover, it has been provided in the Franco-Spanish agreement respecting the customs in the French and Spanish zones that representatives of the two administrations are to meet periodically at Tangier to discuss questions connected with the customs, and it appears to His Majesty's Government that a representative of Tangier could well join these meetings. An expert body would thus be constituted, which would exercise a general supervision over the customs administration in the international zone and ensure its efficient working.

His Majesty's Government would invite the Government of the Republic to give their earnest consideration to the views set forth above, and they trust that the French Government will agree that the theoretical objections advanced by M. Guiot to a municipal administration of the Tangier customs need not be regarded as insuperable, and that on the other hand the retention of the Contrôle de la Dette in Tangier should if possible be avoided, as inconsistent with the true internationalisation of that zone.

It will be useful, when submitting these views to the French Government, at the same time to state the opinion of His Majesty's Government as to the arrangements which should be made for assigning to the Tangier zone its proper share of the Moorish customs revenues, and of the charges to be met out of those revenues.

His Majesty's Government have from the outset accepted the principle that each zone should benefit by the duties on goods imported into it, and the corollary of that principle, that each zone should pay its proportion of the charges due on the revenues so accruing.

The share of revenue therefore accruing to the Tangier municipality, and of charges due from it for the service of loans, must be calculated not on the total revenue received at the port of Tangier, but only on the amount received in respect of goods consumed in, or exported from, the municipal area. The remainder of the Tangier customs revenues will be assigned to the French or Spanish zones, as the case may be, and will bear its share of the charges which the French or Spanish zones have to meet. Thus, for instance, in the year 1911, I understand that the total customs revenue of Tangier was 87,000*l.*, of which about 70 per cent., or 61,000*l.* was on account of the French and Spanish zones. The balance, 26,000*l.*, would represent the actual revenues of Tangier, and it would be on that sum, supposing the scheme arranged in the Franco-Spanish agreement to be applied to Tangier, that the amount due from the municipality for the service of the loans, &c., in 1912 would be calculated.

There is further the question of the 2½ per cent. special tax for public works, &c., provided for by article 66 of the Act of Algeciras. This tax is, of course, exempt from any charges for the service of loans, &c., as its proceeds are pledged under the terms of the Algeciras Act, to the public works financed by the Caisse spéciale, His Majesty's Government are of opinion that the French, the Spanish, and the international zones should benefit by the sums respectively collected under the head of this special surtax at the ports of entry in each. Tangier should therefore receive the whole of the proceeds of the special tax, to be devoted to the development of the port and public works in general. It is obviously just that the whole tax, and not merely the proportion due to the international zone, should accrue to Tangier, since the commerce of the whole of Morocco benefits by the development of the port, and the normal revenues of the municipality would not allow them to undertake this necessary work otherwise.

In the view of His Majesty's Government the revenues which Tangier should derive from the customs will then be—

(*a.*) The special tax of 2½ per cent. on the whole customs revenues paid at Tangier to be entirely devoted to harbour improvements and public works.

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(*b.*) The balance remaining of the customs revenues after deduction of—

1. The 2½ per cent. tax.
2. The sums due to the French and Spanish zones in respect of goods destined for, or exported from those zones.
3. The amount assessed as the proportion due from the international zone for the service of the loans.

In conclusion, His Majesty's Government would call the attention of the Government of the Republic to their serious opinion that, apart from the question of the Tangier municipality taking the place of the Contrôle de la Dette, the above distribution of customs revenue to Tangier should in any case be made.

Unless this is done, the municipality will have no adequate funds for the administration of the international zone.

I am, &c.
E. GREY.

[32029]

No. 41.

Sir M. de Bunsen to Sir Edward Grey.—(*Received July* 29.)

(No. 125.)

San Sebastian, July 26, 1912.

Sir,

I HAD a conversation this morning with the German Ambassador, which led me to think that the German Government is probably following pretty closely the progress of the pending negotiation concerning Tangier. Prince Ratibor has repeatedly told me that his instructions require him to abstain from any intervention in the discussion between the representatives of England, France, and Spain, but he does not conceal that he takes an interest in the matter and that he keeps his Government informed as far as he can of what is going on. In our occasional conversations on the subject I have made no mystery of the principal questions at issue as to which it was evident that he was in possession of information from other sources, and it has also occurred to me that, as the Tangier settlement must some day be communicated to Germany and the other interested Powers, there was advantage in letting it be understood that His Majesty's Government was at least as much concerned as any of them in securing a real internationalisation, and that the negotiation was proceeding on that basis.

Prince Ratibor is personally of opinion that the Algeciras Powers other than those actually taking part in negotiation will certainly expect to have their concurrence with the completed settlement invited and secured before the new state of things is inaugurated at Tangier. He expressed to me this morning the hope that the agreement between England, France, and Spain would show, when completed, that the Tangier zone had obtained all the advantages secured to the Spanish zone by the concurrent negotiation. This, he said, would render acceptance by the other Powers much easier, and indeed a foregone conclusion. If, on the other hand, Tangier was found to be prospectively starved by failure to stipulate for every financial convenience accorded to Spain for the Spanish zone, it might easily happen that some Power—he did not say Germany—might propose an amendment to secure for Tangier equal treatment with Spain. He specially referred to the financial arrangements which are still under discussion between M. Guiot and the Marquis of Cortina. I reported on this question in my despatch No. 117 of the 17th instant. The aim of the negotiators is to fix the amount of the financial compensation to be received by Spain in consideration of the sacrifice of territory to which she has consented in the Warga valley. France is prepared to relieve her of the share of the burden arising out of the necessary liquidation of the debts of the Makhzen, or probably a sum of sum 125,000 pesetas a-year. Spain asks for more than this, and she is endeavouring to persuade France to agree that no refunds shall be made to the French zone on account of duty paid at ports of the Spanish zone on goods destined for consumption in the French zone, until a certain sum has been exceeded by the total of such duties. Spain proposed that France should fix this sum at 1,000,000 pesetas a-year, to which extent the Laraiche custom-house would be annually to the good, if France consented. It may be that France may yet be persuaded to accept the principle involved, and to make the Spanish zone in this way an annual present of some hundreds of thousands of pesetas. Prince Ratibor had this question explained to him yesterday by Señor Garcia Prieto who attaches great importance to it. After repeating to me what His Excellency had told him, he said that he assumed as a matter of course that a similar and proportionate renunciation would be made by France

in respect of duties collected at Tangier on goods landed there on their way to the French zone. His Serene Highness thought this was a point that should certainly be insisted upon, on grounds of equal treatment as between the Spanish and French zones.

I told Prince Ratibor that I had frequently discussed this point with Mr. White who was fully agreed that the claim was a fair one and should be put forward at the proper time. The only question, I understood from Mr. White, was whether it would be possible to obtain the consent of France to all the exemptions from financial liability, which it was in her power to confer. There are, it seems, three such possible exceptions, viz.: (1) from payment in respect of duties on goods consigned to the French zone; (2) from liability for a portion of the war indemnity owed by Morocco to France; and (3) from liability as regards the liquidation of the Makhzen's debts. Mr. White, I believe, intends to ask that all three exemptions may be granted to Tangier, but it is too much perhaps to expect that France will yield on all the three points. I added that there was no fear of any opportunity being lost to obtain for the rather problematical budget of Tangier every possible advantage.

I have ventured to trouble you with the above summary of my conversation with the German Ambassador as throwing possibly some light on the probable attitude of Germany when the present negotiation comes to an end.

I may mention, on the authority of Mr. White, that M. Guiot has always peremptorily refused to consider even the possibility of France conceding to Tangier a rebate of the kind in question. Such a course, he maintains, is entirely out of the question, and he states that nothing will induce the French Government to place Tangier in this respect on the same footing as the Spanish zone. The two cases, he maintains, are entirely distinct, for if any rebate is conceded to Spain, it will be for value received, and can imply no corresponding concession to Tangier, which has made no territorial sacrifice.

The French Ambassador, equally with M. Guiot, is showing some irritation at the hitch which has occurred in the negotiations owing to the divergence of views which has declared itself between His Majesty's Government and that of France on the question of the manner in which the new régime of Tangier is to be invested with a legal status, and on the question of the limitation of the powers of the Sultan's representative. M. Guiot seems to consider it useless, until these points are settled, to proceed with the work of deciding minor points which has hitherto proceeded so fruitfully by daily discussion between himself, Mr. White, and Señor Padilla.

M. Geoffray expresses great impatience at the delay, and fears that the success of the parallel negotiations may be seriously imperilled, if the Tangier question cannot be speedily arranged. He says he cannot keep M. Guiot here indefinitely; and that, if the Poincaré Cabinet should fall, as he thinks it probably may, everything would very likely have to be begun afresh. I have endeavoured to reassure my French colleague by pointing out how natural it is that fundamental points of difference should be arranged by friendly discussion between our two Governments, and that some little time should be required to harmonise completely the different points of view.

Meanwhile it is to be feared that little more can be done until the points referred to have been settled. Mr. White, however, continues in daily touch with both M. Guiot and Señor Padilla, and is indefatigable in his endeavour as far as possible to utilise the time at his disposal.

I am sending a copy of this despatch to His Majesty's chargé d'affaires at Tangier.

I have, &c.
MAURICE DE BUNSEN.

[32243]

No. 42.

Board of Trade to Foreign Office.—(*Received July* 30.)

Sir,

Board of Trade, July 29, 1912.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 8th July transmitting papers relative to a proposed line of customs control between the French and Spanish zones in Morocco.

Whilst the Board appreciate the difficulty of arriving at an equitable scheme of apportioning the customs revenue of Morocco between the administrations of the

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different zones, and whilst they recognise that an apportionment according to the proportionate consumption of each zone is not *primâ facie* unreasonable, they are strongly of opinion that the sanction of His Majesty's Government should in no circumstances be given to any arrangement which would involve the inspection of goods or documents as a condition of the passage of imported goods from one zone to another. In the opinion of the Board, British merchants are entitled to be assured that, once their goods have been introduced into Morocco, and the proper customs duties of 12½ per cent. *ad valorem* have been levied thereon, no impediment should be placed in the way of their free circulation throughout Morocco.

The scheme now under the consideration of the French Government, however, requires that no imported goods, whether or not duty has been paid in respect of them at the port of entry, shall pass across the "internal line of customs control" without the fulfilment of formalities, which would necessarily involve importers in delay and expense, as well as liability to fine if certain requirements are not fulfilled, and which might easily give rise to vexatious demands on the part of subordinate officials on the line of control.

It appears to the Board, moreover, that under the French plan practical difficulties would inevitably arise in apportioning the revenue between different zones, not only in the case cited by His Majesty's Minister at Tangier where exports originate in one zone and are imported into another, but in the parallel case of imported goods which may undergo modification in one zone and be consumed in another; whilst in the case of large consignments of goods which have been broken up after importation into Morocco and dispatched to different parts of the country, special delays and difficulties would necessarily attend the obtaining of the requisite documents to secure the transport of the different portions of the original consignment to their respective destinations.

The system by which the customs revenue of Morocco should be apportioned amongst the various zones is, of course, primarily a matter for agreement between the countries entrusted with its administration, but no system could possibly be satisfactory which did not recognise the essential unity of Morocco for customs purposes, or which threatened to introduce into that country the impediments and exactions which have hitherto been associated only with the *li-kin* system in the Chinese Empire.

I am, &c.
GEO. J. STANLEY.

[32413] No. 43.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 31.)

(No. 71.)
(Telegraphic.) R. *Madrid, July 31, 1912.*

YOUR telegram No. 59 of 25th July: Tangier municipality.

Mr. White has induced Spanish delegate to accept 40 pesetas for right to vote and 120 for membership. White considers that this is satisfactory, and Sir R. Lister concurs. Spanish delegate said he was instructed to make above acceptance conditional upon Mr. White being instructed to support Spain with regard to question of Sultan's representative at Tangier and removal of French control of customs. Mr. White said he was still without instructions on these points, and presumed you were in communication with the French Government on the subject.

[32723] No. 44.

Sir M. de Bunsen to Sir Edward Grey.—(Received August 2.)

(No. 75.)
(Telegraphic.) R. *San Sebastian, August 2, 1912.*

SPANISH Government have withdrawn condition they attached to their acceptance of 120 pesetas for membership of council and 40 pesetas for right to vote.

May I inform Spanish Government that we accept Tangier frontier starting from Punta Altares, as explained in my despatch No. 128 posted to-day?

Minister for Foreign Affairs told me to-day that he was anxious to include in convention with France article defining Tangier frontier as above. Mr. White sees no objection from our point of view. Do you concur?

(Repeated to Tangier.)

[32977] No. 44.*

Mr. Kennard to Sir Edward Grey.—(Received August 6.)

(No. 202.)
Sir, *Tangier, July 27, 1912.*

I HAVE the honour to inform you that it is reported in the "Dépêche marocaine" of to-day that the Ahl Serif, a tribe in the neighbourhood of Alcazar, have risen against Raisuli on account of the heavy taxes which he has been imposing upon them, and which they refuse to pay. Raisuli sent a force against them, which in the course of two engagements lost some thirty killed and many wounded. Spanish troops under the command of Colonel Sylvestre are said to have gone to the assistance of Raisuli's force, and the results of this expedition are anxiously awaited at Alcazar.

The Spanish Legation do not confirm this information, but do not emphatically contradict it. The Spanish Minister told me recently that Raisuli was giving him some cause for apprehension, owing to the extortionate manner in which he was taxing the tribes, and that it was feared that some disturbances might ensue. Raisuli, however, sent a message to this legation last week, stating that the Fishtala Pretender had been carrying on an active propaganda amongst the mountain tribes in his district, and that he was consequently sending a force amongst the tribes affected to ensure their loyalty. He was anxious that His Majesty's Legation should know this, in order that his action might not be misinterpreted.

It would be most unfortunate if disturbances of a serious nature should now break out in the Spanish zone, which has hitherto shown a marked contrast to the French zone by the quietness with which recent events have been accepted there. It is difficult to understand why the Spanish authorities should send troops against the tribes unless perhaps they wish to have some pretext for extending their sphere of operations in the interior. I should imagine, however, that the report is untrue or exaggerated.

M. de Villasinda tells me that his Government is much satisfied with the progress which is being made in the Riff. Numerous tribes have come in to make their submission, and the situation generally is more encouraging.

I have, &c.
H. W. KENNARD.

P.S. *July* 29.—The "Dépêche marocaine" of this morning states that the report in their issue of the 27th instant regarding the operations against the Ahl Serif were greatly exaggerated, and that only a few shots were fired. From another quarter I hear the tribe in question has submitted and paid the taxes, and a fine demanded by Raisuli.

H. W. K.

[32972] No. 45.

Sir M. de Bunsen to Sir Edward Grey.—(Received August 6.)

(No. 128.)

Sir, *San Sebastian, July 31, 1912.*

WITH reference to your telegram No. 59 of the 25th instant, I am happy to be able to report that Mr. White has been successful in inducing his Spanish colleague on the Tangier commission to accept a separate rent qualification for electors and elected of 40 and 120 pesetas a-month respectively. It will be remembered that the Spanish Government had advocated a much lower figure for the elective franchise. The enclosed memorandum by Mr. White explains the present state of the negotiations.

I am sending a copy of this despatch to His Majesty's chargé d'affaires at Tangier.

I have, &c.
MAURICE DE BUNSEN.

Enclosure in No. 45.

Memorandum by Mr. White.

M. PADILLA came to see me yesterday, and informed me that M. Garcia Prieto nad authorised him to agree to a minimum of 120 pesetas Hassani per month rent assessment for the urban tax as qualification for election to the municipal council and 40 pesetas per month as qualification to vote at the elections. I have had great difficulty in inducing M. Padilla to agree to these figures, and I do not think it would have been possible to obtain any further rise; in fact, I did not expect that he would go beyond 30 pesetas. I have been in private communication with Sir R. Lister on the subject, and we are agreed that 40 pesetas can be accepted. According to the registers of the urban tax, the number of Spanish voters under the present arrangement will be 253, whilst the number of persons qualified for election to the council will be 77. The proportion is small, considering that the number of Spaniards residing at Tangier s said to be neaily 8,000.

M. Padilla, in making the above communication to me, stated that the acceptance by his Government of this compromise was conditional on my receiving instructions to assist him in obtaining the freedom of the Tangier custom-house from French control and in opposing the French proposal that the Sultan should appoint a representative at Tangier to sit on the Commission of Control and to have jurisdiction over the natives, appointing kadis and other Moorish officials in the international zone. His Government regarded these points as of extreme importance, and they would make no concession on other points unless they obtained satisfaction in regard to them.

I told M. Padilla that I had not yet received instructions as to the customs control and as to the position and powers of the Sultan's representative. As he was aware, I had discussed these points on many occasions with M. Guiot, but without success. I presumed that they were now under discussion between His Majesty's Government and that of France, and, as the Spanish Government was so much interested in the matter, no doubt the Spanish Ambassador at Paris was also making representations in regard to them at the Quai d'Orsay. The instructions I may receive must presumably depend upon the result of these discussions, and it was scarcely reasonable to make the question of franchise dependent on them.

I should be glad to receive instructions as to whether I am authorised to accept the limits of the international zone as defined in my memorandum of the 15th instant, which was transmitted in Sir Maurice de Bunsen's despatch No. 113 of that date. The only modification that may be necessary is that the Spanish Government is very anxious that the boundary line should start from Punta Altares instead of from the mouth of Jandak Zirria. The difference is quite unimportant; I prefer the natural boundary formed by the stream Zirria, but if the Spanish Government insist on their proposition, it does not seem worth while holding out for the Zirria boundary.

I have seen M. Guiot several times during the last few days, but have been unable to make any progress in the negotiations, as he does not wish to discuss any other

points until the important questions of the customs control and the Sultan's representative have been settled. He has been unwilling even to discuss the drafting of the regulations, stating that he does not consider himself competent to do so. He desires that we should confine ourselves to settling the broad principles, and that an expert in municipal matters (French or English) should then be entrusted with drafting the regulations, which could be submitted to us, so that we might satisfy ourselves that they were in accordance with the principles we had agreed upon.

I am of opinion that, though we should not undertake the drafting of the regulations in their definitive form, we might with advantage prepare a first draft for submission to our Governments, who could remodel it where necessary. It should leave as much as possible for the "règlement intérieur," but should include all the fundamental principles and should regulate the relations between the Municipal Council and the Commission of Control. I am further of opinion that it is desirable that some competent person should be instructed to draft the "règlement intérieur" for submission to the Municipal Council after its constitution. This would effect a great saving of time, and would be of great assistance to the council, the members of which would not be likely to have much knowledge or experience of such matters. If draft regulations, which had already been approved by the three Governments, could be submitted to the council, there would be a strong probability of their being accepted with but little modification. The regulations of the Alexandria municipality, which has stood the test of time, and which, I believe, are considered satisfactory, could probably be adapted to suit the requirements of Tangier.

M. Guiot has suddenly been called away to France owing to the serious illness of his wife and mother-in-law, and the negotiations will have to be suspended till his return unless the French Government will consent to appoint a member of their embassy here to replace him, should his absence be prolonged.

H. E. W.

San Sebastian, July 31, 1912.

[32973] No. 46.

Sir M. de Bunsen to Sir Edward Grey.—(Received August 6.)

(No. 129.)

Sir, *San Sebastian, July* 31, 1912.

WITH reference to my telegram No. 73 of to-day, I am enabled by the Spanish Minister for Foreign Affairs to forward copy of the latest Spanish proposals to the French Ambassador regarding the questions of (1) the appointment of the khalifa for the Spanish zone, (2) the frontier line between the two zones to the west of the River Lucus, and (3) the relations between the khalifa and the foreign representatives.

Señor Garcia Prieto informs me that the only other point of any importance still at issue between him and M. Geoffray is that of the financial compensation promised by France to Spain, as explained in my despatch No. 125 of the 26th instant. No agreement is yet in view on this question. France is unwilling to relieve Spain of liability in respect of the debts of the Makhzen in addition to conceding to her a rebate in respect of duties collected in ports of the Spanish zone on goods consigned to the French zone. She will grant compensation on one of these points, but not on both. Spain still presses for relief from liability under both headings. As regards the rebate, Spain would now accept 600,000 pesetas as the sum which would have to be exceeded in the Larache custom-house by the duty paid on goods landed there, but consigned to the French zone, before any refund would have to be made by the former to the latter. France, I understand, has offered to fix the figure at 400,000 pesetas. My impression is that, on settlement of the other points, as proposed in the enclosed text, Señor Garcia Prieto would come to terms with M. Geoffray without much difficulty on the financial question. There would then be no obstacle to the early signature of the Franco-Spanish convention, as now desired by France, and the Tangier negotiation would only be alluded to in a vague article to the effect that the international constitution of that port would form the subject of ulterior negotiations.

Señor Garcia Prieto, being now reassured on some of the principal points respecting the future arrangements at Tangier, would in all probability consent to the course proposed by the French Government, though no doubt he will endeavour first to ascertain what is likely to be settled in respect of the important questions still under

discussion relative to the powers of the Sultan's representative and the position of the Tangier custom-house.

I am sending a copy of this despatch to His Majesty's chargé d'affaires at Tangier.

I have, &c.

MAURICE DE BUNSEN.

P.S.—Since writing the above I have been informed by Señor Garcia Prieto that the financial question is practically solved. The rebate will be fixed at 600,000 pesetas a-year, but Spain will have to pay her share of the Makhzen debt. It seems that an agreement has also been reached as regards the question of the Franciscan monks in the French zone, though there is still some discussion over the precise text to be adopted.

M. DE B.

Enclosure in No. 46.

Text of the Spanish Proposals communicated to the French Ambassador at Madrid, July 26, 1912.

Jalifa.

CES régions seront administrées, sous le contrôle d'un Haut Commissaire espagnol, par un khalifa, choisi par le Sultan sur une liste de deux candidats présentée par le Gouvernement espagnol. Les fonctions du khalifa ne seront maintenues ni retirées qu'avec le consentement du Gouvernement espagnol.

Lucus.

La frontière remontera ensuite vers le nord, en se tenant à une distance d'au moins 25 kilom. à l'est de la route de Fez à El Ksar-el-Kébir par Ouezzan, jusqu'à la rencontre de l'oued Loukkos ou oued El Kous, dont elle descendra le thalweg jusqu'à la limite entre les tribus Sarsar et Tlig. De ce point, elle contournera le Djebel Gani, de façon à le laisser dans la zone espagnole, sous réserve de ne pas construire sur ce djebel des fortifications permanentes, pour rejoindre entre le duar Mgaria et la Maya de Sidi Selama le parallèle 35, qu'elle suivra jusqu'à la mer.

Relations with Foreign Representatives.

Les actes de l'autorité marocaine dans la zone d'influence espagnole seront contrôlés par le Haut Commissaire espagnol et ses agents. Le Haut Commissaire sera le seul intermédiaire dans les rapports que le khalifa, en qualité d'autorité supérieure de la zone, aura à entretenir avec les agents officiels étrangers.

[33449] No. 47.

The Marquis Imperiali to Sir Edward Grey.—(Received August 8.)

(Translation.)

Your Excellency, *Italian Embassy, London, August* 2, 1912.

I HAVE the honour to reply to the note which your Excellency was good enough to address to me on the 20th June last on the subject of consular jurisdiction in the Spanish military *presidios* in Morocco.

The Italian Government, to whom I submitted your Excellency's note, replied that, in their view, the "consular jurisdiction and protection" which it would be desirable to establish at Ceuta and in the other Spanish *presidios* of the Riff is the normal and ordinary jurisdiction of consulates as such (*in genere*); not the legal and exceptional jurisdiction which is reserved for the consulates established in the Levant countries and in the Far East.

The Italian Government instruct me, now that this point has been cleared up, to renew to your Excellency the expression of the hope that the British Government will be found to be in agreement with the suggestions contained in the last paragraph of my memorandum of the 8th May last.

I have, &c.

IMPERIALI.

[33667] No. 48.

Sir Edward Grey to Mr. Rennie.

(No. 92.)

Foreign Office, August 9, 1912.

Sir,

IN conversation to-day the King of Spain expressed great appreciation of the part we had taken in the Franco-Spanish negotiations about Morocco, and especially of the most beneficial and steadying influence of Sir M. de Bunsen throughout. I most cordially endorse what His Majesty said about Sir M. de Bunsen. It was very gratifying and pleasant to hear and also very true.

I am, &c.

E. GREY.

[33718] No. 49.

Sir M. de Bunsen to Sir Edward Grey.—(*Received August* 10.)

(No. 130.)

San Sebastian, August 8, 1912.

Sir,

I HAVE the honour to forward a memorandum by Mr. White, covering translation of one drawn up by the Spanish Ministry for Foreign Affairs on the subject of the representation of the Sultan at Tangier. The Spanish memorandum seeks to prove that, inasmuch as the Sultan is to delegate his powers at Tangier to the international municipality in the same way as he is delegating his powers in the Spanish zone to the khalifa, it is unnecessary and even illogical to create the post of a further depository of the Sultan's powers at Tangier in addition to the municipality.

It may perhaps be admitted that there is some logical force in the Spanish argument, but it seems to me to have been drawn up without giving sufficient weight to the considerations advanced in your despatch No. 81 of the 27th ultimo. The Spanish Government, in short, have not fully realised the subordinate position which is proposed by you to be created for the Sultan's representative at Tangier in his relations with the municipality, as distinguished from that which he will occupy when he takes his seat on the Committee of Control. Nor do they appear to understand the reasonableness of the proposal that some Moorish figure-head should be set up at Tangier to take the place which will be occupied by the Sultan at Fez and by the khalifa in the Spanish zone. It is impossible that, in the eyes of the natives, this place should be filled by the municipality alone. The important point is to secure that the figure-head at Tangier should be placed in real and effective dependency on the municipality in the same way as the Sultan and the khalifa for the Spanish zone are to be placed in complete subordination respectively to the French Resident-General and the Spanish High Commissioner.

In speaking to the Spanish Foreign Minister on this subject I have pointed out to his Excellency that the solution of the difficulty proposed by His Majesty's Government is the result of protracted negotiations with the French Government, and that, although some different arrangement might suit Spanish and possibly British interests better, it is unlikely that more could be obtained from France than what is now proposed by you as a fair compromise between conflicting views.

Meanwhile, the subject has only been discussed in an unofficial manner between Mr. White and Señor Padilla. Owing to the unfortunate absence of M. Guiot, which seems likely to be protracted indefinitely, the triple Tangier Commission has been perforce compelled to adjourn its sittings *sine die*. I have reported in my telegram No. 77 of yesterday that the French Ambassador is seriously thinking of a postponement of the further discussion of the arrangements concerning Tangier till the autumn months.

I sincerely hope that such an interruption of the useful work already done may yet by some means be avoided. Mr. White has been indefatigable in his daily efforts to bring about a settlement on the lines of his instructions. His intimate personal acquaintance with both his colleagues, as well as his accurate knowledge of all the points discussed, have resulted in agreement on many points which had hitherto failed to secure acceptance either on the French or the Spanish side. His tact and diplomacy have maintained a relation of complete harmony between the negotiators. It would be more than unfortunate if he were now compelled to leave half finished a task which he has so successfully conducted to its present stage. M. Geoffray agrees that it would

be desirable to proceed with the discussion if possible. He is, however, impressed with the consideration that, without the presence of M. Guiot on the commission, it will be very difficult, if not impossible, to secure the consent of the bondholders, whom he naturally represents, to any arrangements that may be made as regards the position of the Tangier customs. In these circumstances, his Excellency would prefer to wait for M. Guiot's return, though possibly this might involve adjournment till October or November.

I hope that the French Government may see the importance of concluding this negotiation as well as the one in which they are engaged with Spain alone, and that they may succeed in finding a substitute for M. Guiot, who could continue without further delay to discuss with Mr. White and Señor Padilla the points still demanding a settlement.

If M. Luret could be spared from his work on the Contrôle de la Dette at Tangier, he would probably be able to speak on behalf of the interests of the bondholders with an authority second only to that of M. Guiot. Possibly that gentleman, or another equally qualified, might be appointed by the French Foreign Office to fill, at least for the present, the gap made by M. Guiot's enforced absence.

I am sending a copy of this despatch to His Majesty's representative at Tangier.

I have, &c.

MAURICE DE BUNSEN.

Enclosure 1 in No. 49.

Memorandum.

(Translation.)

THE question under consideration presents two separate aspects :—

1. The representation of the Sultan on the Committee of Control over the Tangier municipality.

2. The appointment of the same or of some other person as the Sultan's representative in the town, who will occupy in relation to the municipality the same position as is occupied by the representatives of the foreign Powers in relation to that body and to the subjects of their respective countries.

The British Government considers that it would not be just or logical to exclude Moorish representation from the Committee of Control, and that in the conditions under which such representation should exist there would be no danger of any predominance of Moorish influence or of French influence exercised through pressure on the Sultan. If, however, it is considered that the system about to be established at Tangier consists in confiding the management of local affairs (municipality) to the inhabitants of Tangier under the control of the Powers (Committee of Control), it is self-evident that logic and justice require that the Moors should be on the same footing as persons of other nationalities as regards representation on the municipal council, they do not, however, in any way require that the Moors should also have equal representation on the Committee of Control, which is composed of the representatives of Sovereign Powers, whereas the Sultan will lose that attribute once the Franco-Moorish Protectorate treaty has been adhered to by the Powers. The various rights and interests of His Majesty, and especially those in regard to his relations with the foreign Powers, will in future be protected and upheld by France, and it is difficult to understand why an exception should be made in the case of those rights and interests in respect to the Tangier municipality. In practice, the result would be that the Sultan's representative would receive his instructions from the French Government. He would therefore only uphold the rights and interests of His Shereefian Majesty in the same manner and so far as the French representative would have done ; he would, nevertheless, have a vote in the committee, which would, in fact, give two votes to France.

The stipulation that the post of the Sultan's representative on the Committee of Control must be held by a Moor resident at Tangier would not meet these objections and if, with a view to introducing a more efficacious remedy, recourse is had to the system that the representative should be selected by the Powers and should subsequently act in accordance with his own judgment and not under instructions from the Makhzen, the result would be that his position in a body, each member of which

represents a Sovereign Power and acts under its instructions, would be anomalous and entirely out of place.

Of still graver import is, however, the second question, that of the appointment at Tangier of a representative of the Sultan with the same attributions as the representatives of the Powers, for this presupposes that the Moors resident in Tangier remain subject to ("ressortissent de") His Shereefian Majesty. The consequence of this would be :—

That the legislation as regards Moors in personal matters would be decreed by the Sultan ;

That the administration of justice as between Moors and in general the application, as regards them, of coercive measures which, as regards foreigners, can only be applied by their consular authorities, would be in the hands of the Sultan's representative ;

That all assistance that Moors may require, including assistance as against the municipality, such as would, in the case of foreigners, be afforded by the diplomatic representative or consular officers, would be rendered to them by the Sultan's representative.

As such faculties of the Sultan will have to be exercised under French direction, the position of France in the international zone will manifestly become enormously enhanced, to such an extent indeed as to constitute a serious danger to the effective internationalisation of the town.

The British Government appears, however, to hold the view that this is the natural consequence of the principles which have been accepted, and especially of the analogy between the position of the Spanish zone and that of the municipal zone, and that, as it is inevitable that the Sultan should have a khalifa in the municipal zone as in the Spanish zone, all that can be done is to obtain that the said khalifa should be appointed in such form as will place him beyond the influence of the Makhzen, and consequently beyond that of France.

The Spanish Government, on the other hand, hold, not only that the existence of such a khalifa is not called for by the principles that have been accepted or by the above-mentioned analogy, but even that it would be in conflict with them and, independently of its political consequences, would of itself, when put into practice, introduce an element of confusion.

The guiding principle in the Franco-Spanish negotiations regarding the Spanish zone on the one hand and the Hispano-Anglo-French negotiations regarding the Municipality of Tangier on the other hand, has been that, in order to ensure the autonomy of the three sections into which the Empire is to be divided for administrative purposes, the powers of the Sultan which, in the French zone will be exercised under French control, will, in the Spanish zone be transferred to a khalifa and be exercised under Spanish control, and in the municipal zone will be transferred to the municipality to be exercised under the control of the Powers collectively. The Municipality at Tangier stands for the khalifa in the Spanish zone ; it is collectively the delegate of the Sultan and is an executive and administrative entity.

In the memorandum communicated by the British Government to the Spanish Ambassador in London, on the 2nd May last, it is said that " it should be possible, without unnecessarily wounding the susceptibilities of the Sultan, to find a suitable form of words which would express the idea that his authority, for the purposes of administration and legislation in the municipal area, is devolved upon the municipality." A special khalifa, naib, pasha, or representative (whatever his name may be) of the Sultan would therefore have no *raison d'être* nor analogy of any kind with the khalifa of the Spanish zone ; it would oblige the municipality to share with him the powers which the Sultan should delegate in their entirety to the municipal body.

Doubtless, from motives of justice and convenience, the municipality should, in its relations with the Moorish residents, respect the principles pertaining to Mussulman civilisation. It was for this reason that, at the seventh meeting of the delegates, for example, Señor Padilla proposed, and his colleague agreed, that the municipality should respect the personal status of the natives, Mussulman and Hebrew, as established by their religious laws, especially as regards affiliation, marriage, divorce, guardianship, inheritance, &c. Similarly it will certainly be convenient that native officials should be encharged with the exercise of jurisdiction over the natives and with the application of coercive measures against them. But there is a considerable difference between this and the proposal that the chief of such officials, who is to have authority to appoint the other officials, should be a khalifa of the Sultan, deriving his powers directly from His Majesty.

Adopting, then, the principle that the municipal body at Tangier should possess the most extensive powers of administration and legislation (*procès-verbal* of the seventh meeting), namely, all the powers of the Sultan, the commission can set itself to discover the system best calculated to secure the appointment of such officials in such a manner as to enhance their moral prestige in the eyes of the natives and to facilitate the accomplishment of their duties in harmony with the rules of the Mussulman religion.

The above would be most in conformity with the fundamental principles which the three Powers have kept in view for the establishment of a special régime at Tangier. It is likewise that which is most in conformity with the spirit of the Franco-Spanish negotiations, in the course of which the Government of the republic proposed to that of His Catholic Majesty that, in the convention to be entered into by them, an article should be inserted declaring that Tangier is outside both the Spanish and French zones. It is evident that it could not strictly speaking be said to be outside those zones if the Moorish residents in the municipal area were to be considered as under the authority of His Shereefian Majesty.

It will be remembered, in conclusion, that the French Government, in the draft which it submitted in March, did not ask that the Sultan should be represented on the Committee of Control (which, in its opinion, should be composed of the "réunion des agents officiels étrangers à Tanger"), still less did it ask that a Shereefian khalifa should be appointed with more or less authority over the Moorish residents in the municipal area. The Cabinets of London and Madrid would therefore be entitled to refuse acceptance of both propositions as being new proposals which are in no way justified.

Enclosure 2 in No. 49.

Memorandum by Mr. White.

I COMMUNICATED to Señor Padilla the substance of Sir E. Grey's despatch No. 81 of the 27th ultimo, and assisted him in translating the essential parts into Spanish, so that he might be able to accurately acquaint Señor Garcia Prieto with the views of His Majesty's Government on the question of the position and functions of the Sultan's representative at Tangier.

Señor Padilla expressed great disappointment, and said he felt convinced that his Government could not concur in the views expressed in this despatch. He said, however, that he would consult Señor Garcia Prieto, and would discuss the matter with me after he had received his instructions.

Señor Garcia Prieto evidently did not wish to come to any decision on the matter until he had consulted Señor Hontoria, who was passing through San Sebastian, and consequently it was only yesterday that Señor Padilla received his instructions in the form of a memorandum in reply to the arguments contained in Sir E. Grey's above-mentioned despatch. This memorandum he handed to me with the request that I would forward it to His Majesty's Government.

I told Señor Padilla that I was quite ready to forward this document as requested, but that it appeared to me that, as we were now both in possession of our instructions, we should ourselves discuss the matter with a view to arriving at an agreement if possible. To this he agreed and he accordingly called again this morning, when we had a lengthy discussion, after verifying a translation which I had in the meantime made of the Spanish memorandum, and which is enclosed herewith.*

It cannot be denied that some of the arguments put forward in this memorandum have considerable weight, and I informed Señor Padilla that personally I should be glad if his Government could induce the French to accept their point of view, but that I felt convinced that the latter would never surrender the principle of the Sultan's having a representative at Tangier. I was of opinion, therefore, that whilst accepting this principle we should direct our efforts to drawing a distinction between his functions as (1) a member of the Committee of Control ; and (2) an official corresponding to the khalifa in the Spanish zone, and to ensuring that in the latter capacity he should be merely a figure-head nominally representing the Sultan, and acting in His Majesty's name, but really completely under the control of the municipal council and unable to appoint or dismiss the other Moorish officials except with the concurrence of that body. If this could be assured, and I anticipated great difficulty in obtaining the assent of the French Government, I did not think that we need be under any apprehension of French predominance, especially if it is

* See Enclosure 1.

stipulated that once appointed the khalifa cannot be dismissed without the consent of the municipal council, who must also have the right to demand his dismissal, if necessary. Thus once assured of his position so long as he gave satisfaction to the council and Committee of Control, the khalifa might, I thought, be relied upon to act in the public interests, and independently of the Sultan and of the French exclusively.

Señor Padilla repeated the argument of his Government that there is no analogy between the Spanish and the international zone, that in the latter it is to the municipality that the Sultan delegates his powers, and that there is, therefore, no necessity for a khalifa, whose powers would conflict with those of the municipal council. Once the principle is admitted that the Sultan is to appoint a representative on the Committee of Control, and a khalifa as a line between himself and the municipality on the one hand and the Moorish residents on the other, and that the latter are to be considered as still being subject to the jurisdiction of officials appointed directly or indirectly by His Majesty and dependent on them for protection or assistance in any grievances they may have against the municipality or foreigners, true and effective internationalisation would, he considered, be no longer possible, as the predominance of France would be established. If we go so far as that it would, he said, be illogical to endeavour to limit the powers of the khalifa in the manner suggested, and the French Government would have good grounds for opposing such limitation. Señor Padilla was of opinion, therefore, that the only course to pursue was to oppose the planting of the roots and not merely to propose to lop the branches.

Señor Padilla further pointed out that the position of the khalifa in the Spanish zone and of one, even similarly controlled, in the Tangier zone, would be quite different. In the former case only one Power was concerned; it would know very well what it required and would be able to ensure its wishes being complied with. In the international zone, however, the postion would be much more complicated; the control of the khalifa would in the first instance be in the hands of a composite body in which the French and Moorish element would be strongly represented, and which itself would be under the supervision of the Committee of Control, where France would always command at least a quarter of the votes, the Moorish and Russian as well as her own. He also emphasised the argument that the natives would naturally be under the influence of the authority to whom they would look for assistance when in trouble, and that therefore, even when separate jurisdictions are eventually abolished, and special tribunals instituted before whom all residents, of whatever nationality, will be justiciable, the predominance of France will be maintained.

I could only repeat to Señor Padilla that in negotiations of this nature there must be a certain amount of give and take, and that if each side adopted an uncompromising attitude it would be impossible to arrive at an agreement. I pointed out that in the absence of such agreement the present state of affairs at Tangier must continue, which would be much more in the interests of France than of Spain and Great Britain. I trusted, therefore, that he would put these considerations before Señor Garcia Prieto, and endeavour to obtain instructions of a less uncompromising nature.

I enquired of Señor Padilla whether he had ascertained what arrangements had been made in the Spanish zone for filling and supervising the posts of kadis and other judicial officers, &c. He replied that he had made enquiries on the subject of Señor Garcia Prieto and Señor Hontoria, but that it appeared that no special arrangements had been made in this respect. He had been informed that it was intended that the appointments should be made by the khalifa, but that that official should act only under the directions of the Spanish High Commissioner.

H. E. W.

San Sebastian, August 8, 1912.

[33787] No. 50.

Mr. Kennard to Sir Edward Grey.—(*Received August* 10.)

(No. 84.)
(Telegraphic.) R. *Tangier, August* 10, 1912.

MY immediately preceding telegram of 9th August.

Following from consular officer at Rabat :—

"Sultan abdicates, and is leaving for Vichy viâ Marseilles on 12th August. His Majesty is not going to Mecca at present."

[33967] No. 51*.

Mr. Kennard to Sir Edward Grey —(*Received August* 12.)

(No. 205.)
Sir, *Tangier, August* 3, 1912.

I HAVE the honour to transmit to you herewith copies of two despatches which I have received from His Majesty's consul at Fez regarding the proposed institution of a municipality for that city.

As the "gerjouma" tax mentioned in Mr. MacLeod's despatch No. 88 of the 29th ultimo (see your despatch No. 150 of the 17th October, 1910) is not to be increased, but is only to be used more efficiently, I am instructing Mr. MacLeod, subject to your approval, that there seems no necessity to raise any objection to its being paid as at present.

It further seems unnecessary to insist on any amendment to the draft scheme making Europeans eligible as electors. As Mr. MacLeod remarks, the European colony at Fez will probably live beyond the limits of the jurisdiction of the proposed municipality, and the scheme being merely of an experimental nature, I do not propose to instruct Mr. MacLeod to take any action in the matter.

I have, &c.
H. W. KENNARD.

Enclosure 1 in No. 51*.

Consul MacLeod to Mr. Kennard.

(No. 87. Confidential.)
Sir, *Fez, July* 26, 1912.

I MENTIONED some time ago that the French authorities contemplated the institution of a municipality for the city of Fez and another municipality for the Jewish quarter. The other day General Lyautey asked me to discuss the matter with Captain Mellier—the head of the city section of the Bureau des Renseignements—and also, if necessary, with General Gouraud. The former sent me the particulars of the plans yesterday, and to-day he and I discussed it minutely, and I afterwards saw General Gouraud on the subject.

2. The following were the particulars of the plan : A town council was to be created, consisting of fifteen members, of whom seven were to be Moorish officials (the basha presiding), who would sit and vote *ex officio*, and eight were to be representatives of the city. The latter were to be elected by the notables of each main district—two from each of the four main districts—and were to hold office for two years. A *suppléant* member was to be elected for each district to act in the case of the decease or absence of of a member. One of the elected members for each district was to retire at the end of each year, but would be eligible for re-election. At the end of the first year the retirals would be decided by lot cast at the time of the members being elected. The elected members would be unpaid. To the above fifteen would be added two paid members—the interpreter and the treasurer (the latter would be the "amin mestafad"), but their functions on the council would be consultative only. The military commander-in-chief or his delegate could attend and take part in the discussions. The revenues to be placed at the disposal of the council were the town taxes as a present levied, including the monopoly of kif, opium, snuff, &c. (the "saka"), and no new taxes were to be leviable. The council would be entrusted with all matters appertaining to public health, streets, drains, water supply, lighting, the prisons, and public security (the latter, at any rate, as far as concerned the night watchmen), and city improvements. Surplus funds would be accumulated towards city improvements to be arranged by the council. The accounts and reports were to be submitted periodically to the Central Government, and would be counter-signed by the military commander-in chief. I inferred that this latter's connection with the municipality would be transferred in future—when the administration here takes a permanent form—to the

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chief French representative here. The fifteen voting members of the council were all to be Moors, and Moors who were foreign protégés were eligible as members and as electors. Captain Mellier was desirous to get the plan adopted and into operation at once, particularly in order to obtain and use for their proper purposes the town taxes. The latter, just now, were either pilfered away by the umana encharged with them, or were remitted to the Sultan and disappeared there!

3. I enquired whether the Sultan's consent had been had to the scheme and whether a Shereefian edict would be procured for it. I was told that the Sultan had expressed approval of it "in principle" but that he was now having nothing to do with anything (*i.e.*, was abstaining ill-humouredly from business), and so there did not seem any chance of getting an edict from him at once.

4. I observed that the scheme seemed full of good things and, reserving minute details, well adapted for its purposes, but, for the following reasons, I thought the greatest caution should be used before proceeding with it just at present. It was a most serious matter, in effect a charter of municipality, a thing elsewhere created by Act of Parliament—or some such manner after exhaustive discussion in public. Here, as public opinion had no legitimate, timely means of expression, caution was more necessary than elsewhere. The Moors here had expressed much liking for the municipal scheme they had heard of in connection with Tangier. If time were taken and a desire for it created, the Moors here would value far more the concession of such a municipality than they value it if imposed or suggested to them by the French, for in the latter case they would have the feeling of merely submitting to or putting up with it.

5. Then there was the practical danger of committing oneself ahead to some hard and fast scheme. For instance, just now here was General Lyautey bound not only to put things to rights in Morocco generally, but to do so by the Regnault treaty and no other, whether it would answer or not! Should they not beware—merely towards facilitating their work for the moment—of tying themselves up similarly as regards local reform here?

6. Further, the protectorate had not been recognised yet by the Powers, and the only basis on which such a municipality could, just now (or the taxes it levied), be regarded as legal was by an edict of the Sultan.

Indeed, without such an edict, the French might have more difficulty in getting hold of the taxes than at present. They would have to keep in view the opposition from the present legal (however dishonest) officials whom the scheme suppressed.

7. Also, I thought they should be very very careful to do nothing which would le sen, in regard to public security, the present usage of the personal responsibility of Moorish functionaries and the Moorish public. For instance, by immemorial custom, householders and shopkeepers here are responsible for the preservation of order opposite their respective premises, and the basha is responsible for enforcing that responsibility. That may not be fair according to our ideas, but the Moors are quite content with it and demand constantly the exercise against each other of that rule. "But how," I asked, "can the basha remain responsible when he has all these colleagues" (Moors being what they are), "and how are you to enforce responsibility upon a corporation of them, half of whom too are elected and unpaid?"

8. General Gouraud observed that he saw this latter difficulty most clearly. The basha's powers and responsibilities must not be diminished (*i.e.*, in the present state of the place and country), and it was clearly impossible to diminish his responsibilities, as this scheme would do, without at the same time diminishing his powers.

9. Both General Gouraud and Captain Mellier expressed warm thanks for these criticisms—the force of which they appeared quite to appreciate—and I infer that the scheme will not be promulgated in the meantime and that they will welcome anything done, in a preparatory way, towards creating a public desire here for such a plan. I said I would most cheerfully do what I could, through our protégés or other Moorish friends to such an end.

I have, &c.
J. M. MacLEOD.

P.S.—There were two other points I noticed in the scheme, and to which I should, perhaps, call attention:

First, the text provided only for the admission of Moors as electors or as voting members on the council. At present the civilian Europeans here are a mere handful, and even of these it is probable that few if any would care to trouble with municipal business. But in future they may be much more numerous and their inclinations

may change, so I should think the text ought to be so phrased as not to exclude them.

Second, the text gave no definition of the qualifications which would constitute a voter, *i.e.*, an elector of the voting members. The electors were mentioned as to be "the notables" of the various districts, but what constitutes, exactly, a "notable," I have never found anyone to tell me.

J. M. MacL.

Enclosure 2 in No. 51*.

Consul MacLeod to Mr. Kennard.

(No. 88. Confidential.)

Fez, July 29, 1912.

Sir,

WITH reference to my despatch No. 87 of to-day, I have the honour to enclose herewith copy of a draft of the scheme for a municipality at Fez, which has been kindly given to me by Captain Mellier.

2. Although it is dated the 24th July it is not the draft we discussed, but is an amended scheme, the text of which has been amended to meet the difficulties revealed in the conversations held on the first one.

3. The word "provisoire" is used towards keeping it clear that the project is of an experimental character, and thus facilitating its improvemeut in the future when and wherein desirable.

I would call particular attention to the following points:—

(*a.*) To article 3 (1) wherein the assent of the Sultan is provided for, thus, I infer (with article 5 (2), providing against the imposition of any taxes other than those already payable), reducing the scheme in effect to a mere change of functionaries for the collection of these taxes, and the Sultan, in effect, directing how they are to be disposed of, which by treaty he has always been able to do in regard to those particular taxes.

(*b.*) To the omission of public security from the council's functions, thus leaving the basha's powers and responsibilities unimpaired.

(*c.*) Article 5 (4).—It will be remembered (see despatch No. 35 of the 25th September, 1912, from His Britannic Majesty's Legation) that this tax—the "gerjouma" —was a new one, to which the assent of the Powers was had towards the creation of a Moorish Sanitary Board for Street Cleansing. This board, in the event, did little or no street cleansing, and it has been notorious lately that the corruptions incidental to unchecked Moorish administration have taken place in regard to it. Inasmuch as the present scheme provides for no increase of this tax, but only for a more honest and efficient use of it, I presume there will be no objection to its being paid as at present; but I should be glad to have instructions on this point.

(*d.*) Article 5 (1).—Remembering the views of His Majesty's Government in regard to Moorish prisons (see legation circular of the 3rd August, 1910), I suggested the case of the prisons being included in the council's functions, for the reason that so doing should secure some money for that purpose, and I should hope, inspection, and would lead besides to the ultimate supervision of the delegate of the general commanding at Fez.

I have, &c.
J. M. MacLEOD.

P.S.—It will be observed that the amended draft still does not contain any phrase by which Europeans could ever be eligible as electors or as voting members. Perhaps you could telegraph should you desire this point to be insisted upon. In this connection I would observe that whenever Europeans come to live at Fez in considerable numbers they will probably live outside the present city, *i.e.*, beyond the limits of the proposed Moorish municipality's jurisdiction.

J. M. MacL.

PUBLIC RECORD OFFICE, LONDON

Enclosure 3 in No. 51*

Draft Project for Mejless-el-Medina.

(Municipalité provisoire de Fez.)

1. *Composition.* (1)* Le "Mejless-el-Medina" se compose, sous la présidence du Pacha de Fez, de quinze membres à voix délibérative et de deux membres à voix consultative.

(2) (1.) Sept fonctionnaires : le pacha, le khalifa général, les khalifas de Fez-Djedid et Fez-Bali, les deux mohtassebs, le naïb du mejless faisant fonctions de rapporteur.

(3) (2.) Huit délégués notables élus à raison de deux par arrondissement, pour les quatre arrondissements de Adoua, Lemtiyin, Andalousiyin, Fez-Djedid.

(4) (3.) Le secrétaire-interprète et l'amin-el-mostafadat (trésorier) du mejless, qui n'ont que voix consultative.

2. *Appointements.* (1) Le pacha et le khalifa général, dont les appointements ressortissent provisoirement au budget du protectorat, ne perçoivent de la ville aucune rétribution.

(2) Les notables élus, qui sont choisis parmi les personnes les plus considérables de la ville, ne reçoivent également aucun traitement.

(3) Le traitement définitif des Khalifas de Fez-Djedid et Fez-Bali (fixé provisoirement à 150 douros hassani par mois), ceux des mohtassebs, du naïb du mejless, du secrétaire et du trésorier, seront fixés par le mejless dans une de ses premières séances.

Élection des Délégués notables. (1) Dans chaque arrondissement les notables sont convoqués par le pacha, qui leur fait connaître le but de leur réunion, et appelle leur attention sur la nécessité de choisir des délégués éminents par la considération dont ils jouissent leur situation personnelle, leur instruction et leur intelligence. Ensuite, et en dehors de toute intervention du pacha, les notables se réunissent en assemblée et choisissent deux délégués titulaires et un suppléant. Les notables sont élus pour deux ans et sont rééligibles.

(2) Chaque année un des deux délégués titulaires est sortant et les notables se réunissent pour procéder à une nouvelle élection.

(3) Pour la première année de fonctionnement du mejless, les délégués sortants sont désignés par le sort au moment même de l'assemblée des notables.

(4) *Les premières élections auront lieu dès ratification par le Sultan du présent projet ;* les suivantes, au "ras-el-aam" de chaque année (à partir du "ras-el-aam" 1332).†

(5) Lorsque un délégué notable est absent ou malade, il est remplacé par le délégué suppléant. Il en est de même en cas de décès d'un délégué notable : le mandat du délégué suppléant expire, dans ce cas, à la même date que celui du titulaire dont il a pris la place.

(6) *Au cas où un suppléant remplace définitivement un titulaire, un nouveau suppléant est immédiatement élu dans l'arrondissement intéressé.*

4. *Fonctionnement du Mejless.*—(1) Le mejless fixe lui-même l'époque de ses réunions et l'ordre du jour de ses séances. Le commandant de la région de Fez (ou son délégué) peut toujours assister aux réunions lorsqu'il le juge nécessaire.

(2) Les questions soumises à la discussion du mejless sont l'objet de votes : si, par suite de l'absence de certains membres, le nombre de votants est pair, et si les voix sont partagées, celle du président est prépondérante.

(3) Les décisions du mejless sont inscrites sur un registre par les soins du secrétaire, signées par le président du mejless et visées par le commandant de la région.

5. *Attributions du Mejless.*—(1) Le mejless est chargé de la direction et responsable de l'exécution de tous les travaux d'utilité publique concernant la salubrité, la propreté de la ville, l'entretien des prisons et des établissements hospitaliers, ainsi que de ceux qui peuvent favoriser le bien-être de ses habitants. Un des premiers soins du mejless

* The small figures are of my insertion for facility of reference.—J. M. MacL.

† This probably would mean the first election taking place about August 25, 1912.—J. M. MacL.

consiste dès lors à fixer les dépenses d'après les ressources et, partant, à établir un budget municipal.*

(2) Il doit s'efforcer à ce que, *sans mettre d'impositions nouvelles*, les recettes donnent leur maximum de rendement. Il doit donc surveiller la rentrée régulière dans la caisse de son trésorier de toutes les recettes municipales, et nomme, dans son sein, une commission qui préside aux adjudications de toutes les taxes affermées.

(3) Les recettes municipales comprennent le hafer, ou droit des portes, le produit de l'adjudication des différents marchés, la saqa (régie du tabac à priser et du kif), la "guerjouma," ou droit d'abattoir.

(4) Dès sa première séance, le mejless décidera si la taxe de guerjouma, mise actuellement en gestion directe par le Makhzen, doit être l'objet d'une adjudication.

(5) Le mejless doit également constater le paiement par son trésorier de toutes les dépenses engagées, et s'assurer qu'elles sont légitimées par des pièces comptables (reçus, factures ou états émargés).

(6) Le trésorier doit à cet effet tenir un registre-journal des recettes et dépenses. Les fonds sont déposés dans une caisse dont il a la clef, ou versés en banque. Le contenu de la caisse peut être vérifié inopinément par le président ou par un membre du mejless délégué par lui. La comptabilité est vérifiée mensuellement par une commission nommé au sein du mejless.

(7) En fin d'exercice budgétaire, un rapport présentera au Sultan la situation financière de la ville ainsi qu'un exposé des résultats obtenus.

(8) Les excédents budgétaires sont versés à une caisse de réserve dont l'emploi est déterminé par le mejless.

6. *Surveillance des Travaux.*—Le naïb du mejless, fonctionnaire permanent et rétribué, fait exécuter sous la surveillance du président, les décisions prises. Il étudie les questions mises en discussion, les rapporte et présente au mejless toutes les informations susceptibles de l'éclairer dans ses délibérations.

7. *Municipalité israélite.*—Un mejless spécial composé d'après les mêmes principes, ayant des attributions analogues, et présidé par le pacha, est constitué pour le Mellah de Fez, dont les habitants paient des taxes spéciales.

Fez, le 24 juillet, 1912.

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* Public security has herein been omitted from the council's functions so as to leave the basha's authority intact.

PUBLIC RECORD OFFICE, LONDON

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[34401] No. 52*.

Mr. Kennard to Sir Edward Grey.—(Received August 14.)

(No. 88. Telegraphic.) *Tangier, August 14, 1912.*

FOLLOWING from consul at Casa Blanca to-day :—

"British vice-consul at Marrakesh telegraphs on 12th August that he would be leaving with all the colony and British subjects on the 13th for Saffi."

This would seem to indicate that situation at Marrakesk must be serious.

[33832] No. 51.

Sir M. de Bunsen to Sir Edward Grey.—(Received August 10.)

(No. 78. Confidential.)
(Telegraphic.) *San Sebastian, August 10, 1912.*

FRENCH Ambassador tells me that the draft reply to your note of 23rd July to the French Ambassador in London has been sent to St. Petersburgh for the approval of the French Prime Minister. It accepts the proposals of His Majesty's Government as regards the communication of the Tangier Convention to the Powers. On the other hand, his Excellency informs me in strict confidence (end of R.) that the French Government desire to reopen the whole question of the composition of the municipal council of Tangier, dividing it into two sections, one European, one Moorish. His Excellency also hears that the German Government are raising objections to the proposed line of transit. In these circumstances, the French Ambassador does not see how the Tangier Commission can usefully continue until these questions are settled. He ascribes the trouble to mischievous influence of the new Bureau du Maroc at the Ministry of Foreign Affairs.

(Sent to Paris.)

[34365] No. 52.

Mr. Kennard to Sir Edward Grey.—(Received August 14.)

(No. 87.)
(Telegraphic.) R. *Tangier, August 14, 1912.*

MY telegram No. 85 of 12th August.
Following from British consul at Rabat, 12th August :—

"Mulai Yussef proclaimed 13th August. Town indifferent."

[34721] No. 53.

Consul-General MacLeod to Sir Edward Grey.—(Received August 17.)

(No. 11. Confidential.)
Sir, *Fez, August 6, 1912.*

REFERRING to my despatch No. 10, Confidential, of the 21st May, I have the honour to submit the following observations upon events here during the sojourn of General Lyautey and upon the situation at his departure on the 25th ultimo for Rabat.

The position on the 24th May, when General Lyautey arrived, was as follows:

The mutiny in Fez had been quelled and the city had been disarmed. There was, however, very great discontent, mainly on two matters, namely, the demand for a fine of 200,000 dollars from the city, and the proceedings of the French courts-martial instituted by General Moinier, and amongst all classes deep suspicion and bitter hatred of everything and everybody French.

The citizens appeal against the fine has been referred to Paris, so it remained in abeyance, but the courts-martial continued to sit and from time to time, under lengthy forms, in themselves perhaps just, but which were quite unintelligible to the native population, continued to inflict sentences of death and imprisonment upon participants in the massacre of the 17th April and the mutiny.

Large numbers, perhaps 3,000 or 4,000, of hill tribesmen ordinarily inhabiting Fez or its environs, employed as gardeners or porters, &c., left the place in alarm, mostly for their homes to the north and to the east.

Their arrival, together with that of parties of the mutined troops increased enormously an agitation which was already in progress in those regions, provinces it will be remembered, which had mostly been chronically insubmissive to the Makhzen and none of whom had had experience of fighting with any troops except the rabble which constituted the various Sultan's armies in former years.

Though trade in and close to Fez was beginning to revive a little, commercial caravan traffic with the coast was at a standstill, and even postal communications were still very irregular.

At the court the Sultan continued in a highly nervous state insisting on leaving instantly for Rabat and abdicating, and vehemently demanding the fulfilment of a promise the French Minister had given him to allow him to do so.

To the south and south-west of Fez the Berber tribes continued to maraud, and in particular to harass the town of Sefroo, 20 miles south of Fez.

In the Marrakesh provinces the great kaïds were at feud amongst themselves and in the extreme south ("sus") a new pretender, Mulai Hiba, had arisen.

The important tribes of Abda and Doukala were at feud with their kaïds or amongst themselves.

Superadded to all these difficulties was the anomalous position of General Lyautey himself—resident-general in a country not yet recognised by the Powers as a protectorate.

The night of his arrival there was an attack on the French camp a mile east of Fez, which was easily repulsed. The following night, however, the storm burst in earnest, the city being attacked on the north and east on a scale and with a fury never heard of in these parts. The fighting lasted about sixteen hours. In the course of it the enemy captured three of the city gates and the eastern half of the city, entered the sanctuary of Mulai Dris, performed their devotions, took away two Makhzen flags as trophies, and were finally dislodged only by shelling the areas they had occupied. They lost between 400 and 500 killed (nearly all outside the walls), while the French lost about eighty killed, including several officers.

The French expended some 500 rounds of shell and 135,000 rounds of rifle ammunition, and, although the enemy was beaten, the affair nevertheless was the greatest shock which French—or any other European prestige—has ever experienced hereabouts, and seemed likely to have an inflammatory effect on the whole country.

Strange to say the enemy did no looting in the town, nor did they kill any townsman except a man called Omar Riffi, who had been zealous in the service of the French. Their abstemiousness was probably due to their being in small scattered groups, to their necessarily being on the move all the time, to all shops being shut, and the gates of by-streets closed by the inhabitants, as were also all the bazaars.

On the 28th May large bodies of tribesmen gathered again on the north and east sides of the town, dislodged the French outposts, in spite of severe cannonading, and another—and still larger—night attack seemed imminent. The French forces were concentrated inside the walls, and all Europeans were collected in the consulate quarter and armed for their own defence in case of emergency.

Whether because the new method of defence disconcerted their plans or because of the non-arrival of expected allies, or because they had suffered too heavily in approaching the town, has never been made out clearly, but in the event the enemy, to everyone's surprise, delivered practically no attack and retired voluntarily about 10 P.M.

Meantime reinforcements had been arriving from Mequinez, enough to bring the French strength up to about 9,000 men, from which a small column was formed under General Gouraud.

This column scattered the enemy's camp on the 1st June, and subsequently cleared the enemy out of a radius of 10 miles north and east of Fez.

Meantime General Lyautey was still more active in a political way. He managed to persuade the Sultan, in exchange for being safely escorted to Rabat, to defer his abdication for three months.

He stopped the military executions and public sittings of the courts-martial; forbade French officials directly interfering with the native authorities, and insisted on the court and local authorities assembling daily in their accustomed places, and doing their duties in public as formerly, and that several hundreds of Moorish soldiers, who had been loyal throughout these troubles, should be gradually rearmed. (The honest delight of these soldiers at the removal of this undeserved stigma on them was quite touching to witness, and their behaviour since then, both in action and in camp, has showed the trust in them not to have been misplaced.)

So rapidly, clearly, and determinedly did he grasp the necessities of the situation in those matters, that the respective officials—in person—received those orders on the 25th May, *i.e.*, within twenty-four hours of his arrival. On that same day he interviewed deputations of all the most influential native classes, and instantly succeeded in impressing them with a large measure of confidence. The instant that the attacks on the town ceased, this constant and frank intercourse with every person and every class, who had anything to tell him, was resumed, and was maintained throughout his stay.

On the 1st June, simultaneously with the dispersal of the enemy outside, General Lyautey withdrew the demand for a fine from the city (already mentioned herein), a concession which gave great satisfaction—quite irrespective of the money involved—for it was a sum which the city could have paid without serious hardship.

On the 6th June the Sultan, for Rabat, and the French Minister, M. Regnault, for Laraiche, left Fez (escorted by General Gouraud's column of 2,000 men and six guns), and the Sultan's brother, Mulai Yusef, was left as Viceroy.

On the 8th June a number of taxes—collected laboriously from country people and town labouring classes with friction out of all proportion to their value—were abolished.

On the 15th June General Gouraud and his column (now raised to 5,000 men and 12 guns) left for Hiayna, while near Moulouya River operations were begun which succeeded in preventing any serious help from the Taza quarter being given to the tribes engaged with General Gouraud. Eventually the Moulouya columns occupied and pacified their district as far west as Kasbah Msun.

On the 24th June a pretender—claiming to be Buhamara, *i.e.*, the pretender who alleged he was Mulai Mohammed, and was captured and put to death at Fez in 1909, whose identity has not yet been made clear—appeared in the mountains of Fishtala.

On the 1st July he invaded Sheraga, and sacked the dwellings and farms of the governor, Kaïd Abdelkrim Eshirgui, but on the 6th July he was put to flight and his camp captured by General Gouraud at the sanctuary of Mulai Bustta. The pacification of Ulad Jama and Sheraga thereupon ensued.

It should be noted that further offensive operations against this pretender and other agitators are impracticable by the French columns, as the insurgents now are within the Spanish zone of influence.

On the 27th June the courts-martial and "state of siege" of Fez were formally withdrawn to the great satisfaction of all classes of the inhabitants—foreigners included.

There had remained some 120 cases before the courts-martial. Of these 20 were condemned to death, 50 to various terms of imprisonment, and 50 were acquitted. All the prisoners were transferred to the care of the Moorish authorities. General Lyautey, however, commuted all the death sentences to imprisonment for life, and has since liberated one of these latter convicts—at the petition of the ulema—who satisfied him of the unreliability and scantiness of the evidence against the man.

On the 14th July the French national fête was celebrated at Fez by a review—for which the Gouraud column arrived in time to take part—and other spectacles, at which the Moorish authorities and all foreigners and foreign officials—except the Spanish consul and his compatriots—appeared. He excused himself on the—very transparent—pretext of indisposition, but the real reason was a desire to mark the Spanish objection to having anything to do with the Resident-General, while as yet neither the Franco-German agreement (which contemplated a French protectorate in Morocco) nor the Regnault Treaty has been recognised by Spain.

General Lyautey took the occasion to again have much intercourse with all classes of the Moors. As an instance of his skill in this I would mention his treatment of the students at the Fez religious colleges. These students come from all over the country, and are notoriously the most cross-grained, fanatical, and refractory element in the city.

European efforts (my own included) to get on friendly terms with them have hitherto always failed. General Lyautey managed to collect forty or fifty of them, discoursed pleasantly to them explaining his intentions, encouraged them to air their grievances (*e.g.*, non-receipt of money which should reach them from the religious foundations, but is mostly misappropriated by Moorish officials) gave them each a present of a few dollars, and they all left promising to write to their friends throughout the country to tell them of what he had said and done.

Present State of the Tribes.

The situation as regards the refractory tribes is that they have been pacified within a radius of 35 miles to the east, 25 miles to the north-east, and 20 miles to the south. (Those to the west and north-west had given no trouble), but on the outer borders of these areas agitations are still in progress and may become more troublesome when the tribesmen have finished threshing their harvests. A column has again

been sent to Hiayna towards reinforcing the native organisation recently established there.

Sefroo.—The position around Sefroo not having been described in reports to His Majesty's Legation—as the facts of it have only now transpired fully—may now be explained.

During the winter and early spring the Ait Yussi and other Berbers south of Sefroo were dealt with by columns of French and Makhzen troops, an area of about 20 miles around Sefroo submitted and the Berbers beyond that area seemed content to cease hostilities.

When the mutiny broke out at Fez (the 17th-20th April) there was much anxiety about Sefroo as it was garrisoned by Moorish troops exclusively. These, however, behaved well, but a few fugitive mutineers from Fez escaped into Ait Yussi. In the event a number of Berbers were arrested at Sefroo suspected of buying cartridges, and of being concerned in the revolt, and most unwisely some fourteen of them were shot by the French military authorities. This step, together with the confiscation of all effects of Berbers existing at Sefroo, infuriated the Berbers afresh, and a succession of engagements took place in which, while the Berbers were beaten with heavy losses, the French also had numerous casualties including, lately two officers, one of whom, Captain Flamand, of the 4th Tirailleurs, was of most promising career.

A column under Colonel Mazillier is now watching the Ait Yussi district, and the situation appears to be that neither party is keen on pursuing hostilities, but that the Berbers are unwilling to make peace.

Under these circumstances General Gouraud having said to me that he would be glad if I could put him into correspondence with the Berber's leader—a Shereef named, Sidi Raho—I introduced to General Gouraud, an old acquaintance of mine, Hadj-el-Arbi-bu-Sharib, formerly Kaïd of Sefroo, and just now a British Mokhalet—with the view of attaining a pacification, and he returns to Sefroo in a day or two for that purpose.

The whole situation south of the line Taza-Sefroo-Mequinez presents great military difficulties. The inhabitants are Berbers, never yet subjected properly to any authority, and their lands are hilly in the nearer parts, and mountainous beyond. They are of pastoral and nomadic life. In the winter they come down to the lower lands—but the weather is then too cold and wet for operations by French columns, particularly of Senegalese troops. In the other months the weather is apt to be too hot for other French troops, and the Berbers—who have a vast hinterland in which to roam about—retire to the mountains. The result is that predatory bodies of Berbers harass the Arab villages of the plains occupied by French troops, interfere with traffic in essential commodities from the hills (*e.g.* wood and charcoal) and cease to resort to Fez, Sefroo, and Mequinez, for their own requirements—to the great injury of trade.

Though necessarily slow, the most practical solution of the problem would seem to be for the French to patiently get into touch with leading Berbers, and then subsidise them to keep the peace for the French, and thus gain time for the latter to improve and develope the occupied areas, *i.e.*, the plain between Fez, Mequinez and the coast.

I have little doubt that once a number of their leaders had an interest in keeping the peace, and the tribesmen by patient, ingratiating, tactful treatment of them on their visits to the plains and towns had their suspicions of foreigners allayed, they would, in time, become tractable enough.

The Berbers both hereabouts and throughout Morocco are savage and extremely excitable, and have never been subjected to regular authority. Customs of "refuge," "sanctuary," and "hospitality," amount to a religion with them. Their lands are sure places of refuge for malcontent fugitives from the Arab areas, and such fugitives stories become wildly exaggerated, and cause great excitements, leading in their turn to predatory incursions into the submitted areas.

In other words, it may be said that the main immediate puzzle which confronts the French not only here but throughout all the interior of Morocco, is how to administer and develope the law-abiding areas without convulsing the "Blad Siba," *i.e.*, the chronically insubmissive territories.

General Lyautey appears to understand this thoroughly, and to have impressed his ideas on his principal subordinates. The officers having to do with the Moorish authorities and Moorish public, have in several cases been changed—the brusque ones being replaced by men of genial manners, and with the reputation of getting on well with the Moors. To the columns in the country itinerant military dispensaries are attached to attend to tribespeople exclusively, and directly the slightest relations are established the latter are encouraged to bring all their wounded and sick for treatment.

Fez itself.—Although good order has been maintained in the city and environs, trade is still—owing to the unrest among many of the tribes—very dull, and there is much want of employment. These circumstances themselves, however, now that peace and quiet obtain in the place, should under good management be helpful to the French, inasmuch as all classes seem now convinced that certain changes must be effected to preserve their prosperity.

Notwithstanding the prevalence of corruptions amongst the official classes—and all who aspire to be officials—there is a considerable body of fairly intelligent people with the keenest desires for material prosperity and with plenty of ability—and wealth too, amongst them. Towards enlisting their interest and help in the administration—and also towards attaining the use of town revenues for town purposes—(instead of disappearing amid the Moorish officials (Sultan included)), the French have drawn up a provisional municipality scheme. By it these revenues would be administered by a town council, consisting of fifteen members. Of these, eight would be elected by the notables of the various city districts, and seven would be Moorish officials sitting *ex officio*. The elected members would be chosen for terms of two years.

After discussion with me, the French officials encharged with the scheme agreed that it would probably be more highly valued—and less suspected—were the scheme conceded than were it offered, and so we are doing what we can together to call our Moorish friends' attention to the chance the present situation affords of getting some measure of self-government by which, like their fellow-countrymen at Tangier, they may have a share in the affairs of their city which they never had in the past. Whether this idea will "take," however, remains to be seen.

With this scheme would be introduced a similar one for the Jewish quarter.

The Jewish Community.

The Jews seem to be regaining their normal mode of life, thanks chiefly to the relief funds sent by their co-religionists and sympathisers in Morocco and abroad, and in some degree also to the work and petty trading afforded by the presence of additional bodies of French troops. Unfortunately, however, an absurdly large proportion of the community has taken to selling alcoholic liquors—frequently of the most poisonous sorts—and this is having a most pernicious effect on the troops and lower Moslem classes. In view of the foreign complications which arise immediately anything in the way of restricting trade is suggested—a solution of the difficulty is not easy.

Meantime, however, the Jewish Relief Committee and the French authorities are discussing the subject with the hope of being able to make some proposals for the consideration of the diplomatic body.

Public Health.

Amongst the native population the general health continues fairly good.

The troops, however, still suffer greatly from typhoid fever and dysentery. Towards lessening these evils, the bulk of the troops have been moved from Dar Debibagh, into camps on heights, and rigorous measures have been adopted for the keeping of such camps thoroughly clean, and for keeping them fully supplied with water of unquestionable purity.

Moorish Troops.

The remains—*i.e.*, the loyal men—of the Moorish troops were re-enlisted, voluntarily—on a new contract—which included an oath of fidelity to France as well as to the Sultan.

The oath to France was, I think, a mistake. It prevented many quite good men from rejoining, and gave occasion for bitter talk, both amongst the soldiers and the Moorish public. Until it was demanded there was no word of its being contemplated, and I suspect the instigators of it were probably the same military group whose previous suggestions were so unfortunate. Obedience to French officers—since they were acting for the Sultan—might have been by some judicious phrase, included in the oath, and have been equally effective, while the taking of the oath to France both lowers the prestige of the takers of it in native eyes, and may add in future to the difficulties of recruiting. Just now, of course, recruiting (apart from re-enlisting) is not being done.

Communications.

It has been announced that the port of Mehedia is to be opened for trade on the 1st January next. From it the River Sboo has been found to be navigable by barges of shallow draught to within 35 miles of Fez. The present light military railway is to be prolonged to Rabat, and Mehedia, and for the 35 miles from the Sboo to Fez a road fit for large wheeled traffic, or for caravan traffic in all weathers—or a light military railway—is to be laid. It remains to be seen what can be done with the bar at Mehedia, but provided this can be seriously improved the scheme seems a most practical one, and should cheaply and speedily diminish the cost of and accelerate transport of all kinds of merchandise, and very particularly such things as building materials and machinery.

It ought, besides, to be of great value towards developing agriculture in the rich lands through which the Sboo flows, and when the 35 miles of improved road will be laid.

Telegraphs.—These nine months or so a military wire telegraph has been in use from Fez to Mequinez, Rabat, and Casablanca. Lately the line has been extended to Mehedia and the Sboo military post. A wire for public commercial use is now being added to it, by the Shereefian posts and telegraphs, and the system is being extended to the Arbowa French military post (near Alcazar). From that point to Arzila (*i.e.*, through the Spanish zone), the telegrams, which will be from the coast as well as from Fez and Mequinez, will be transmitted by couriers, taking about ten hours, and leaving hourly from each terminus. From Arzila to Tangier the line has already been laid—its progress from that point having been stopped by the Spanish authorities. Doubtless when the Franco-Spanish negotiations are concluded the line will be concluded by linking up Arzila and Arbowa under conditions to be agreed upon.

General Retrospect.

As being outside the scope of this despatch, I have not touched upon the numerous problems which General Lyautey had to deal with as regards Southern Morocco.

As regards Northern Morocco I think it must be admitted that while the situation is still far from satisfactory, the efforts of General Lyautey have already effected a very great improvement. Indeed, to everyone here, the mere stopping of the conflagration was itself no small achievement, and Fez people, natives and foreigners alike, often ask themselves where they would now have been had General Lyautey not come, for the continuance—even for a few days longer—of the policy, or rather various policies, followed previously to his arrival might, quite possibly, have led to some frantic uprising of the whole Moslem population.

A large measure of mutual confidence has now been restored, and as time goes on this (under such policy and methods as General Lyautey follows) cannot but increase, and when it does so the one remaining great trouble—*i.e.*, the badness of trade—will doubtless disappear of itself.

The next problems awaiting solution are the choice of a new Sultan (or the coming to real working terms with the present one) and, greater still, the constructive problem of how to reform Morocco notwithstanding the existence of the Regnault Treaty, and the false, and in many ways ignominious, position in which it, and still more the manner in which it was procured, have placed France in the eyes of the Moors and even of foreigners.

From the outset General Lyautey has been strenuously endeavouring to uproot the false notions created by that treaty. These were held, most dangerously, for instance, by the military French, who were moved thereby to assume very much the ways of conquerors and proprietors, rather than of forces sent by consent of all the Powers (including Morocco) to establish order.

In this connection the French representative, being the military commander-in-chief as well, has been most useful, for the military people concur with him quite cheerfully, and act upon, just as if they were military commands, in ideas and opinions often grotesquely different from those they used to hold.

I would like, in conclusion, to call particular attention to one matter which does not appear to have attracted the notice it seems to me to deserve—I mean General Lyautey's steady refusal to ask for the sending of large numbers of reinforcements to Fez.

General Lyautey increased the troops here from about 5,000 to about 9,000, but included in the additions an unusually large proportion of artillery. Two small, additional forts were erected at Fez. The walls were strengthened and the roads encircling the walls were made practicable for wheeled guns. Three walled, defensible, caravanserais were erected at 11 mile intervals on the Fez–Mequinez road. But to the clamour for the immediate bringing of troops enough to raise the Fez garrison to 20,000 or 30,000 men, *i.e.*, to provide for a column say 10 miles out at eight points of the compass—he absolutely refused to accede.

Quite apart from the possible unpopularity in France of so costly an effort, and to the suffering and loss of life from disease to be expected amongst troops coming here in the hot months it is very probable that such action would have created more resistance than it could allay, Its first effect, in all likelihood, would have been to so alarm the Berber tribes near Fez as to have moved them to supplicate their fellow Berber tribes to the furthest extremities of Morocco for assistance. Such appeals, following upon the Regnault Treaty and the mutiny, might have quite conceivably moved the Berbers to unprecedented efforts such as might have entailed either a war of simultaneous conquest and occupation of most parts of the French zone, or the abandonment of the positions already held in the interior. The military occupation of these Berber areas may be necessary some day, but if that day be postponed till the areas now occupied have been given proper roads, and, perhaps, some railways, the bases of operations will be Mequinez–Fez and Taza, and the lines of communication to be held will be shortened by, roughly, 100 miles on the west and 200 miles on the east. Indeed when Haiyana has been once fairly secured (and as these are Arabs, fond of trade and warlike just now, mainly from having to live "on guard" against the Berbers and mountain people surrounding them) the area to be taken—to join up the Fez and Moulouya lines of communication—will be only some 40 miles broad.

Moreover, the present "submitted" areas may themselves largely provide the means of the settling of the others. This, I would point out, is not merely a sanguine conjecture, but has already been successfully practised by General Lyautey on the north-eastern frontier, where, for instance, men of the Beni-Snassen—a tribe, at one time, the most formidable enemies of the French—now form quite a considerable proportion of the French columns east of Taza, while amongst the troops hereabouts the "Goums," raised and trained in Shawia, have rendered valuable service.

I beg to enclose a photo-map,* in illustration of the subject-matters hereof

I have, &c.

J. M. MacLEOD.

P.S.—In connection with the Regnault Treaty, that is to say, the application to the French zone in Morocco of the system of Tunis, I venture to call attention to Lord Cromer's opinion of the Tunis régime, expressed in chapter XL of his "Modern Egypt" (see pp. 284–286, edition 1908). It is somewhat too long to quote at length but the following extracts give his summary of the matter: –

Pp. 284, 285: "In 1890 a report on Tunisian affairs was prepared by M. Bibot. A glance at this report is sufficient to show that, for all practical purposes, the French Government have annexed Tunis"; and

P. 285: "In point of fact, Tunis is just as much a part of France as the Department of the Seine."

Then on p. 286:—

"It is therefore clear that no analogy exists between the conditions under which France took in hand the Tunisian problem and those which obtained and still obtain, in respect of the Anglo-Egyptian administration of Egypt."

If for the words "Anglo-Egyptian administration of Egypt" one were to read "Franco-Moorish administration of Morocco," a very true estimate of the impossibilities of the situation created by the Rednault Treaty would be formed.

It is true that while the Morocco problem is very different in many respects from that of Egypt, it is equally true that (while the root causes of the decay are much the same as in both those countries), many of the conditions of Morocco are very different from those of Tunis.

Therefore, should the Powers recognise the Regnault Treaty—or not prevent its being carried out—it would appear that the application of methods equivalent to annexation is to be expected in Morocco, and this—remembering the character of the great bulk of the Moors—and their present mentality, may, very conceivably, mean a

* Not reproduced.

large and costly war of pure conquest—altogether very like the conquest of Algeria. This I would urge, is an eventuality which can, perhaps even now, be averted by the adoption of a policy carefully adapted to the needs of Morocco—and to that alone.

The prosperity of both French and foreign interests will follow of itself if that principle be followed. But if it be not followed, I see a great danger that some day the French may claim that as they have had to reorganise Morocco by ways and at a cost analagous to those of Algeria, they should be allowed exclusive privileges of a commercial kind to repay the sacrifice made.

What I would like to suggest, therefore, is that the adoption of proper principles and methods now by France would probably avert this danger to British interests in the future, and from the many conversations I have had with General Lyautey, I infer that he recognises very fully the necessity of the adoption of these principles and methods, and—(this in absolute confidence)—I should anticipate that he would welcome support from any and every quarter towards inducing the French Government to adopt them—even at this eleventh hour.

J. M. M.

[34713] No. 54.

Mr. Kennard to Sir Edward Grey.—(*Received August* 17.)

(No. 211.)

Sir, *Tangier, August* 10, 1912.

WITH reference to my telegram No. 81 of the 8th instant, I have the honour to transmit herewith copies of despatches which I have received from His Majesty's consul at Casa Blanca regarding the escape of Kaïd Triai from arrest at the hands of the French troops at Mazagan.*

The French version of the incident, as given to me by my French colleague, is as follows:—

The French authorities have for some time past been attempting to persuade Triai, who is Kaïd of Triat, a district between Azimur and Mazagan, and who has for some time past been notorious for various murders and robberies, to come in and parley with them. As he absolutely declined to respond to these overtures, a French force under Colonel Mangin was sent to arrest him. His kasbah was bombarded, but the kaïd succeeded in escaping and took refuge in the house of a Jew who had Spanish protection. French troops were sent to seize him, but on their arrival at the house they were informed that the kaïd also had Spanish protection. The good offices of the Spanish vice-consul were solicited, but Señor Villareal confirmed this statement and refused to allow the arrest of Triai. An enquiry into the matter revealed that the latter was not under Spanish protection, and the afternoon was passed in discussing the question by the French and Spanish consuls, the basha, and the commander of the French troops. While this conference was proceeding certain partisans of the kaïd entered the city and went to the house where he had taken refuge. During the night Triai's followers and certain Spaniards who had also come to the house opened fire on the French troops who had surrounded it and a panic ensued. Next morning firing was resumed, and about midday the kaïd succeeded in escaping over the roofs of the adjoining houses. His horse was shot by a French non-commissioned officer, but Triai got up and shot his assailant dead. He was pursued for some miles outside the town, but has succeeded in getting away.

The Spanish version, which has been given to me by the Spanish chargé d'affaires, is, as might be expected, entirely different in many respects. Señor López Roberts states that the kaïd took refuge in the house of a Spanish subject—not protégé as stated by the French. The Spanish vice-consul, on being informed of the incident, went to the local authorities to discuss the matter, but though he waited for an hour at the basha's house he was not received. In the meantime, some Spanish subjects who had gone to the house where Triai had taken refuge were suddenly fired upon by the French troops who had surrounded it, and in the panic which ensued the kaïd unfortunately escaped. On my asking Señor López Roberts if it was a fact that Triai was a Spanish protégé, he stated he had protection since March last. I then enquired of Señor Roberts whether this was not contrary to the treaty provision that Makhzen officials cannot have foreign protection. He replied that the French and Germans had given

* Not printed.

protection to Government officials, and that therefore the Spanish Government had a perfect right to do so in this case. He then told me that a secretary of the Spanish Legation was being at once sent to Mazagan in a war-ship to enquire into the matter. He was only going in a war-ship because there were no steamers leaving for the coast at that moment, and that the vessel would return to Tangier after having landed Señor Aguirre at Mazagan.

My personal impression is that the Spanish case is a very bad one. In the first place, Triai had so bad a record that no foreign Power could extend protection to him except for ulterior motives. The interpreter to the Spanish Legation told Mr. Irwin that his protection was antecedent to his appointment as governor. As Triai has been kaïd for several years, and Señor Roberts told me that he only has protection since March, it is difficult to reconcile these two statements. Even supposing he has been a Spanish protégé for some months, it seems absolutely wrong for a Spanish official to protect a Makhzen official against arrest for misdemeanours of so grave a nature. It further seems difficult to believe that the French troops opened fire on Spanish subjects unless they were in some way giving assistance to the kaïd or offering resistance to the troops. On the other hand, it is possible that the French authorities acted in a high-handed manner and gave offence to the Spaniards, who are most sensitive to all aggression on the part of the French.

It is extremely unfortunate that the relations between the two countries, in Morocco at any rate, should be continually embittered by incidents of this kind. Señor Roberts, in speaking to me of the affair at Mazagan, said that of course one could expect nothing less from a person like Mangin (see Sir R. Lister's despatch No. 191 of the 16th July). On my saying to Señor Roberts that the Colonel Mangin in command at Mazagan was not the same officer who was so largely responsible for the troubles at Fez, he said that at any rate he belonged to the same family, which came to the same thing. As a matter of fact, Colonel Mangin, who has a very good record for work in Mauritania, is no relation to the other officer of that name, and I feel sure that Señor Roberts knew this and hoped that I did not. It is in such petty ways as this that the Spanish show their animosity against the French, and it is difficult to feel any sympathy for them, despite the fact that the French authorities frequently go out of their way to irritate their neighbours.

It is particularly unfortunate that this incident should have occurred at a moment when the Franco-Spanish negotiations are about to be concluded, and it is to be hoped that the matter may be satisfactorily settled *à l'amiable*.

I have, &c.
H. W. KENNARD.

[34715] No. 55.

Mr. Kennard to Sir Edward Grey.—(*Received August* 17.)

(No. 213.)

Sir, *Tangier, August* 10, 1912.

WITH reference to my telegram No. 82 of the 8th instant, I have the honour to bring to your notice the question of Makhzen lands in the Tangier district, which are being daily sold by their present occupants. Those lands, which constitute almost the whole of the Fahs district, are held by natives on grants issued by the Government authorities. They were originally granted for military service (Gaish), and were given and withdrawn at will. Other lands near Tangier, but outside the Fahs, are known as Makhzen lands.

In recent years, however, speculators have been buying up these lands at very low prices, and as by "Shraa" no transfer can be made without documents of ownership, a trade has arisen in the manufacture of title-deeds, which are drawn up with the authorisation of the competent officials, and fulfil all the proper conditions for that purpose, and now scarcely a day passes without some of these lands being disposed of with the connivance, I fear, of the local authorities.

Had these properties remained intact, and were they, under the regulations to be drawn up at San Sebastian, placed at the disposal of the municipal council, they would have proved a source of considerable income to the municipality. Unfortunately, the more valuable of these properties near the town have nearly all been disposed of, and but little of any value will remain by the time the discussions now proceeding at San Sebastian are completed.

It would be in the interest of the Tangier municipality and the international zone if a stop could be put to the fabrication of these title-deeds and the sale of Makhzen lands, while there still remains something to save.

With a view to ascertain whether there were any means of putting a stop to the traffic of lands of this nature, I have discussed the matter with M. Luret, director of the Contrôle de la Dette, and with Sid Ali Zaky, who told me recently that there had been certain flagrant instances of such sales within the last few days. The Contrôle de la Dette is especially interested in the question, as the Makhzen lands within a radius of 10 miles from the port of Tangier are part of the security of the Franco-Moroccan Loan of 1910. M. Luret told me that he had lately made representations to the Commissioner for Foreign Affairs and the basha regarding the recent sale of these lands, and had requested an authorisation to establish the identity of the Makhzen lands in the district of Tangier by responsible witnesses, and to take full particulars of them with a view to preventing any further sales of this kind. The local authorities had, however, hitherto not moved in the matter, and he himself was not anxious to undertake the work in view of the possibility of coming into conflict with the present occupants of these properties, and of the risks he would thereby be exposed to. He referred to an incident which occurred here yesterday, and which had already been brought to my notice by Sid el Menebhi. It appears that the Mannesmann Marokko Company, a German firm, has recently purchased large tracts of Makhzen land in the district called the "Mountain." In making out the boundaries of this property the company's agents encroached on some adjoining land of el Menebhi's, who sent some of his men to stop these proceedings. The company at once warned el Menebhi to evacuate their property, and without waiting for any reply sent 200 men, some of whom were armed, on to his land to enclose it. In the course of a dispute which ensued later and near there, one man was killed and another wounded. I have made serious representations to the German Legation, who profess ignorance of the incident, but have promised to make an immediate enquiry.

I suggested to M. Luret that he could obtain a guard of police from the local authorities, and make them responsible for any harm which befall him or his officials. M. Luret will now renew his representations, and will, I trust, be able to adopt measures which will do much to prevent any further traffic in these lands.

With regard to the possibility of annulling any sales which have already taken place, he pointed out that it would be very difficult to obtain any redress. In cases where foreigners were concerned, the matter would be taken up by their own legations, and when the parties to a transaction have once fulfilled the formalities required by the law, even with the dishonest connivance of the officials concerned, any revision of such sale would be illegal.

The whole of Morocco is at present going through a period of transition, which has resulted in anarchy almost where Tangier is concerned. The basha and local authorities generally have taken advantage of these circumstances to make as much personal profit as they can out of them. The foreign speculator has also seen an opportunity to make bargains in real estate, frequently, I regret to say, with the support of his legation, while the native, realising the lack of control which exists for the moment, is also making what he can out of it by selling what does not belong to him. As M. Luret aptly puts it, "C'est la curée," and everybody is attempting to profit to the full from the last gasps of independent Morocco.

This lamentable state of affairs will not cease until the conclusion of the present negotiations for the municipality of Tangier brings a new order of things and establishes an efficient administration in the place of the corrupt and incapable native Government which controls Tangier at present.

It is to be hoped that the measures proposed by M. Luret will prove feasible, and that it may be found possible to save what remains of the Makhzen lands for the benefit of the municipality, but the only efficacious method of stopping this state of affairs is to sweep away the present system of administration, or rather lack of administration, and to introduce a thorough supervision of land tenure.

I have, &c.
H. W. KENNARD.

P.S.—I am sending copy of this despatch to His Majesty's Ambassador at San Sebastian.

H. W. K.

[34716] No. 56.

Mr. Kennard to Sir Edward Grey.—(Received August 17.)

(No. 214.)
Sir, *Tangier, August 11, 1912.*

WITH reference to my telegrams Nos. 83 and 84 of the 9th and 10th instant respectively, I have the honour to report that Mr. Abensur, the local agent of the Bland Steamship Company, whose steamers ply between Gibraltar and Tangier, has shown me a telegram which he has received from Dr. Verdon, the Sultan's physician, requesting him to send the steam-ship "Gibel Dersa" to Rabat, in order that she may take the Sultan direct to Gibraltar, arriving there in time to tranship His Majesty to the Peninsular and Oriental steam-ship "Macedonia," which leaves for Marseilles on the 13th instant. This information is confirmed by a telegram which I have received from the British vice-consul at Rabat, who further states that His Majesty is about to abdicate, and will proceed to Vichy and not go to Mecca at present, as originally arranged.

This change of plans must have been very sudden, as a letter dated the 6th instant from Dr. Verdon seemed to indicate that Mulai Hafid still intended to proceed on the pilgrimage. I have no doubt that His Majesty's relations with the resident-general have become so strained that it has been decided that it would be preferable to have done with Mulai Hafid altogether, and risk the consequences of his sudden departure and abdication.

With regard to the succession, it is generally thought that Mulai Yusef, the Sultan's brother, who is at present Viceroy at Fez, will be selected, though many people are of the opinion that the ex-Sultan, Mulai Abdel Aziz, may be induced to return to the throne. I hear that my French colleague has recently made several visits to Abdel Aziz. It is difficult, however, to believe that he would consent to become Sultan again under the present circumstances, unless the French Government give him very substantial guarantees. Mulai Yusef, from what one hears of him, is a somewhat colourless person, who is not likely to have any influence in the country at large. What the general effect of Mulai Hafid's abdication and departure will be it is difficult to foresee. Morocco is always a country of surprises, and the unexpected invariably happens.

The situation could hardly be more unsatisfactory than it is at present, and though Ramadan, which commences this week, may cause a temporary lull, the whole country seems to be in a state of ferment. In the south the Pretender, El Hiba, is steadily advancing north and gaining new adherents to his cause. Should El Mtougui think it advisable to throw in his lot with El Hiba, the latter will certainly be proclaimed at Marrakesh. General Gouraud's column, which has during the past week been attempting to capture the Fishtala Pretender, has failed to do so, and the Roghi is said to have escaped into the Spanish zone. Rumours of a disagreement between Raisuli and the Spanish authorities are current, and it is even stated in the French local paper that Arzila may be bombarded. My Spanish colleague, however, informs me that this statement is entirely devoid of foundation, though Raisuli seems to be giving him some cause for apprehension by his oppression of the local tribes.

I have not thought it necessary to warn the authorities at Gibraltar of the Sultan's arrival there to-morrow, as I have received no official intimation of His Majesty's plans; and Mr. Abensur informs me that His Majesty will probably not land, but will tranship direct from the "Gibel Dersa" to the Peninsular and Oriental steamer. In any case, I presume that Mulai Hafid, if he has not already abdicated, will go there incognito.

I have, &c.
H. W. KENNARD.

[34832] No. 57.

Mr. Kennard to Sir Edward Grey.—(Received August 18.)

(No. 89.)
(Telegraphic.) R. *Tangier, August 18, 1912.*

MY immediately preceding telegram of 14th August: Situation at Marakesh. British vice-consul and British subjects have arrived safely at Saffi.

[33449] No. 58.

Sir Edward Grey to the Marquis Imperiali.

Your Excellency, *Foreign Office, August* 19, 1912.

I HAVE the honour to acknowledge the receipt of the note which your Excellency was good enough to address to me on the 2nd instant, and to express my thanks for the further explanation contained therein as to the nature of the consular jurisdiction which the Italian Government propose should be established in the Spanish *presidios* in Morocco.

I observe that consular jurisdiction in the ordinary sense is intended, and not the special jurisdiction exercised by the consulates in the Levant and the Far East. In these circumstances, I have the honour to assure your Excellency that His Majesty's Government will be happy to consider this question when a favourable opportunity occurs.

I have, &c.
E. GREY.

[35277] No. 59.

Mr. Rennie to Sir Edward Grey.—(Received August 21.)

(No. 135.)

Sir, *San Sebastian, August* 17, 1912.

WITH reference to your telegram No. 67 of the 16th instant I have the honour to transmit herewith a memorandum by Mr. White in regard to the proposed modification of the composition of the municipal council at Tangier and the objections raised by the German Government to the lines of transit to be established on the zonal frontiers.

I have, &c.
ERNEST RENNIE.

Enclosure in No. 59.

Memorandum by Mr. White.

IN his telegram No. 78 of the 10th instant Sir M. de Bunsen reported that he had learnt in confidence from M. Geoffray that the French Government intended to put forward a proposal that the municipal council should consist of two separate sections, the Moorish element being made distinct from the European element, and being elected exclusively by the natives. This proposal will doubtless be based upon the letter recently addressed to the foreign representatives at Tangier by a certain number of Moorish notables, translation of which was enclosed in Mr. Kennard's despatch No. 200 of the 27th ultimo to Sir E. Grey. Whether their action in this respect was really entirely spontaneous I am not in a position to judge, but it certainly falls in with the views of the French Legation and of the Bureau du Maroc at the Quai d'Orsay, who are thus given an opportunity of reviving the original French contention that there should be a large Moorish representation on the municipal council and that there should be a separate Moorish electoral college. By this means and by their proposal that the Sultan should appoint a representative with jurisdiction over the natives, thus assuring their being kept under the influence of the Makhzen, the French hope to establish an absolutely predominant position at Tangier.

These new French proposals appear to me to be altogether unacceptable, and the very fact that they are being put forward should, I venture to think, make us especially cautious in accepting other proposals which, though apparently not in themselves dangerous if taken separately, will, taken together, tend to unduly strengthen the position of France in the neutral zone.

M. Guiot at the commencement of our meetings told me frankly that the original idea of his Government was that the internationalisation of Tangier should be a sham, and that the new régime should be so organised as to assure an absolute control for France. This idea had, however, he said, been abandoned in deference to the wishes of His Majesty's Government and on the advice of General Lyautey, and it had been

resolved to accept a genuine internationalisation at Tangier: a change of personnel was effected at the Quai d'Orsay, the officials opposed to the new policy being transferred to other posts. Unfortunately these counsels did long prevail, the establishment of the Bureau du Maroc and the appointment to it of officials imbued with the traditions of the French Legation at Tangier soon produced its effect on M. Poincaré. M. Guiot, when he went to Paris at the end of June, hoped to be able to counteract these mischievous influences and to persuade M. Poincaré to revert to his former policy. He, however, evidently failed in his purpose, for on his return he informed M. Padilla and me that his Government insisted on the maintenance of the French control of the customs and on a representative of the Sultan sitting on the committee of control and being vested with administrative and judicial powers as regards the natives.

I have not been able to discuss with M. Padilla the new French proposal as to the composition of the municipal council as it has not yet been commmunicated to the commission, and it was only in the strictest confidence that M. Geoffray told Sir M. de Bunsen that it was to be put forward. There can, I think, be no doubt that the Spanish Government will be strongly opposed to any increase in the number of Moorish councillors, for when urging the extension of the limit of the number of councillors of one nationality to four elected and one nominated, M. Padilla suggested that the number of Moorish councillors elected should still be limited to three. The Spanish Government would, perhaps, have no objection to the three Moorish councillors being elected separately by the Moorish residents exclusively, but this would, I think, introduce an element of confusion, for, as pointed out in my memorandum of the 31st March, difficulties would arise as to who are to be considered electors in this case—should all Moorish subjects, whether Mussulmans or Hebrews, protected or unprotected, be allowed to vote, or only unprotected Mussulmans? In the latter case the important native Hebrew element would remain unrepresented. Protection, too, is constantly changing, an unprotected Moor may at any moment receive the protection of some Power.

Another objection to separate Moorish elections is that it would be extremely difficult to ensure their being fairly conducted, as there could not well be any European control of the elections. Any distinction between nationalities would, moreover, in my opinion, be contrary to the spirit of true internationalisation.

The Moors, who signed the above-mentioned letter to the foreign representatives, were apparently under the impression that they were to have only two representatives on the council, of whom one would be nominated and might be a stranger. They also seemed to think that the council is to be a judicial tribunal, and that their religious laws are to be interfered with. Their apprehensions will probably be considerably allayed when they learn that they can elect three of their fellows to sit on the council, that the nominated member will have to be one of themselves, and that there will be no attempt to interfere with their religious laws and customs, which will be administered by a Moorish judicial official.

With regard to the question of the lines of transit, M. Padilla told me that his Government had accepted the system very reluctantly, and that they would be very pleased if it could be rejected by us, provided that it was abolished as regards the Spanish zone as well, the terms of the Franco-Spanish agreement being modified accordingly. M. Geoffray, in private conversation with Sir M. de Bunsen, has made no secret of his own personal dislike of the system, and now that the French Government have accepted the principle that Spain is to be allowed to make a considerable deduction from the amount to be paid annually to the French on account of the duties collected at Laraiche and Tetuan on goods destined for the French zone, and we claim a similar privilege for the international zone, it is possible that the French Government may be disposed to reconsider the point if pressed by us, especially if the German Government are making strong representations on the subject, for the revenue to be derived by France from this source will not be very great when the deductions have been made. As, however, the system was devised by M. Guiot, he perhaps takes a personal interest in it and is on that account unwilling to abandon it. Representations in regard to it would, therefore, have more chance of success if addressed to the French Government than if addressed to M. Guiot.

H. F. W.

San Sebastian, August 17, 1912.

[35406] No. 60.

Mr. Kennard to Sir Edward Grey.—(Received August 21.)

(No. 92.)
(Telegraphic.) R. *Tangier, August 21, 1912.*

MY telegram No. 90 of 19th August.
Following from His Majesty's consul at Mogador:—

"Pretender proclaimed at Morocco city 16th August, and entered city 17th August. Looting in bazaars, and premises of British firms reported destroyed."

French chargé d'affaires has as yet no confirmation of this news.
I further hear that Arzila has been occupied by Spanish troops with the consent of Raisuli, whose forces have lately sustained check by mountain tribes.

[32972] No. 61.

Sir Edward Grey to Mr. Rennie.

(No. 96.)
Sir, *Foreign Office, August 22, 1912.*

I HAVE received Sir M. de Bunsen's despatch No. 128 of the 31st ultimo, enclosing a memorandum by Mr. White on the negotiations respecting Tangier.

I should be glad if you would inform Mr. White that he is authorised to accept the limits of the Tangier international zone as defined in his memorandum of the 15th ultimo, and that if the matter is strongly pressed by the Spanish Government he may agree to the modification in regard to the starting point of the boundary-line.

I entirely concur in Mr. White's view that it would be of advantage if the three representatives were to draw up a first draft of the municipal regulations, and I enclose a copy of the Alexandria regulations,* which may be of assistance for this purpose.

I am, &c.
E. GREY.

[35816] No. 62.

Mr. Kennard to Sir Edward Grey.—(Received August 24.)

(No. 93.)
(Telegraphic.) R. *Tangier, August 24, 1912.*

FRENCH Legation now confirm information regarding Pretender's proclamation and entry into Marrakesh.

The only Europeans there are French consul and vice-consul and two French officers, who have taken refuge in house of El Glawi outside city, which can be defended for a few days.

It is proposed to negotiate with Pretender for their delivery, and, if negotiations be unsuccessful, to send to Marrakesh for their relief.

[34715 No. 63.

Sir Edward Grey to Sir F. Bertie.

(No. 413.)
Sir, *Foreign Office, August 24, 1912.*

I TRANSMIT to your Excellency herewith a copy of a despatch from His Majesty's chargé d'affaires at Tangier relative to the traffic in Makhzen lands in that district.†

I should be glad if you would take an opportunity to urge the French Government to use all their influence to put a stop to these scandals as soon as possible.

I am, &c.
E. GREY.

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* Not printed.

† No. 55.

[35939] No. 64.

Mr. Kennard to Sir Edward Grey.—(Received August 26.)

(No 216. Confidential.)
Sir, *Tangier, August 16, 1912.*

I HAVE the honour to transmit herewith copy of a despatch I have addressed to the Governor of Gibraltar, at the request of the French Legation, regarding the movements of certain Turkish officers who are supposed to have been engaged to join the Sous Pretender

The French Legation fear that a certain amount of pan-Islamic propaganda is being carried on here, and believe that various secret societies exist in Tangier for that purpose. The "Jemaa Kheria," the society which has recently been formed by natives here for philanthropical purposes and a masonic lodge to which some natives belong are understood to be interested in the movement. From correspondence which has been intercepted it has been found that funds are being supplied to these societies by the National party in Egypt and other Mohammedan countries.

There are a certain number of Egyptians here who are regarded with suspicion, more especially the editor of a local Arabic newspaper, "El Hak," which is said to be subsidised by the Spanish Legation and is bitterly Francophobe in its tone. It recently published a manifesto against Italy, and urged all Moslems to assist Turkey in the struggle against that country. My Italian colleague was greatly incensed at the publication of this inflammatory appeal, and is said to have protested to the local authorities in regard to the matter, apparently without much result.

It is difficult to gauge how serious the pan-Islamic movement here is, but I cannot help thinking that the apprehensions of the French Legation are somewhat exaggerated. There is no doubt that the Nationalist movement in Egypt, the Italo-Turkish campaign in Tripoli, the anti-conscription movement in Algeria, and the general situation in Morocco have contributed towards accentuating to some degree the anti-European feeling throughout North Africa, and it is natural that it should find some echo here, although, from enquiries which I have made, few natives here can be interested in the movement. The fact that Tangier is to become international also renders it possibly suitable as a base for pan-Islamic propaganda in the opinion of agitators, who find the control of the local authorities very lax in such matters, and hope it may continue so under the new régime.

I do not think there is any serious cause for apprehension at present, but I will not lose sight of the possibility of the spread of this movement, and will not fail to report to you any further developments which may be brought to my knowledge in connection therewith.

I have, &c.
H. W. KENNARD.

Enclosure in No. 64.

Mr. Kennard to Governor Sir A. Hunter.

(Urgent and Confidential.)
Sir, *Tangier, August 13, 1912.*

THE French Legation here has received information that five Turkish officers are expected to arrive at Gibraltar in a cargo-boat coming from Port Said and due at Gibraltar about the 15th instant. As they have reason to believe that these officers have been engaged to join the Pretender, Mulai Hiba, in Southern Morocco, the French chargé d'affaires has requested me to ask your Excellency to be good enough to give instructions for a look-out to be kept for the arrival of these men in Gibraltar and a watch kept on their movements after their arrival, as they are particularly anxious to learn when they leave Gibraltar and for what destination.

The French Legation has learned, further, that a small Belgian steamer is now at Gibraltar, and they think it not impossible that these officers may leave in her.

Two of the officers, whose names are Arif Taher and Hilmi, are already known in Moroeco, where they came some two or three years since, and were in the service of Mulai Hafid, being subsequently requested to leave the country.

An agent of the French Legation is crossing to Gibraltar to-morrow to place

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himself at the disposal of the French consul-general there. This man knows the two officers whose names are given above, and would recognise them.

The French consul-general will, I understand, probably call upon your Excellency in connection with the matter, and I should be glad if you could render to the French authorities the assistance they require.

I have, &c.
H. W. KENNARD.

[35940] No. 65.

Mr. Kennard to Sir Edward Grey.—(Received August 26.)

(No. 217.)
Sir, *Tangier, August 16, 1912.*

WITH reference to Sir R. Lister's despatch No. 136 of the 9th ultimo, I have the honour to report that, as the State engineer has just returned from a tour of inspection of the Moroccan ports, I requested him to come and see me, in order that I might ascertain the progress which has been made with the Casa Blanca port works. M. Porché informed me that unfortunately the large Titan crane enployed on the "grande jetée" had broken down almost at the commencement of work on this section. Though this accident had greatly impeded the transport of cement blocks, and consequently caused considerable delay, good progress had been made on the 100 metres of the "épi," which should be completed before the stormy season sets in. Every effort was being made to reinforce the "grande jetée" and the "épi," so as to enable them to stand the heavy seas of the winter.

M. Porché pointed out that this year the harvest had been so bad that there would not be nearly so many vessels calling at Casa Blanca as last year, when there were record crops. He further hoped that so many lighters would not be required for the trooping service, and that the exceptionally heavy seas of last year might not recur. He thought that the work already completed this year should greatly increase the shelter for lighters and improve the harbour service.

I asked M. Porché if the "cahier des charges" for the enlarged adjudication of 3,000,000 fr. would be ready before the 1st September. He assured me that he was at present engaged on revising the final proofs, and that the specifications would undoubtedly be ready before that date, unless some unforeseen difficulty should arise. I pointed out to M. Porché how keenly His Majesty's Government felt on this point, and expressed my satisfaction at his assurance.

I then asked him what progress was being made with regard to other ports, and when we might expect to hear the result of the inspection of the special commission which had recently visited all the important harbours on the coast. He stated that the report of the commission would not appear before October, in order that premature speculation might be prevented. He led me to understand that the commission had approved his scheme for the three phases of the port of Casa Blanca (see Sir R. Lister's despatch No. 134 of the 7th June) practically as they stood. With regard to the other ports there was some difficulty in deciding on the respective merits of Rabat and Mehedia. The former might become the seat of government and consequently of greater importance than the latter, which is at present non-existent as a port. There were bars at both places, but that of Mehedia was more difficult to deal with, as the Sebou, as the mouth of which it is situated, is a river of far greater volume than that at Rabat.

I then asked M. Porché what was likely to be done at Saffi, which was of special importance to British trade. He told me that he was unable to give me any definite information on this point. It was very difficult to make a satisfactory harbour there, and the present pier, which was constructed before works of any kind existed at any other coast port, was practically useless. I suggested that for the transport of grain cable traction might be introduced, and M. Porché agreed that this would probably be the most practical solution of the physical difficulties which obtain there. In any case the importance of this port had not been lost sight of, and he felt sure that something would be done to improve the present conditions, which were undoubtedly most unsatisfactory.

I have, &c.
H. W. KENNARD.

[35941] No. 66.

Mr. Kennard to Sir Edward Grey.—(Received August 26.)

(No. 218.)
Sir, *Tangier, August 16, 1912.*

WITH reference to my despatch No. 214 of the 11th instant, I have the honour to inform you that, as reported by telegram, Mulai Hafid abdicated and left Rabat for Vichy viâ Gibraltar and Marseilles on the 12th instant.

The rumours regarding what passed between the ex-Sultan and the Resident-General before this course was decided on are so varied and exaggerated that it is difficult to arrive at the truth. The most reliable information I have is contained in a letter dated the 9th instant from Dr. Verdon. It appears that the Sultan had a series of stormy interviews with General Lyautey, who insisted that His Majesty should abandon his plan for proceeding to Mecca at present, and that he should go direct to Marseilles on a French man-of-war without calling at Tangier, as his successor was to be proclaimed immediately after his departure. One would have thought that the pilgrimage to Mecca would have satisfied public opinion here better than a residence in France, which would lead the more ignorant elements of the population to think that Hafid was a prisoner in the hands of the French. A rather interesting and plausible explanation for General Lyautey's decision is that, had Mulai Hafid not abdicated now and proceeded to Mecca, he might have obtained purification from the pilgrimage and have reinstated himself in the opinion of his people, who now consider that he has sold his country. There was, further, no doubt the fear that he would stir up Moslem feeling against the French throughout northern Africa, and do what he could to injure their position there.

The Sultan apparently refused to comply with the general's demands, declaring that it was intended to make him a prisoner, and the last interview left them on the worst possible terms. The Grand Vizier and Benghabrit, the Sultan's Algerian adviser, however, succeeded in persuading His Majesty to modify his attitude, and it was finally agreed that he should go on a British ship to Marseilles. Dr. Verdon was instructed to telegraph for the "Bland" boat to be at Rabat on the 12th instant in time to take His Majesty to Gibraltar to catch the P. and O. steamer for Marseilles on the 13th instant. The terms of the agreement between Mulai Hafid and the French Government, as seen by Dr. Verdon, are as follows:—

Mulai Hafid is to receive a pension of 15,000*l.* per annum (3,000*l.* more than was originally agreed upon).

He is to retain all the lands granted to him.

He is to receive 16,000*l.* at once for incidental expenses.

The French Government are to bear the expenses of his visit to Vichy.

The Sultan agrees to abdicate, and leave the French an absolutely free hand in the selection of his successor.

The agreement concludes with an expression of good-will towards Mulai Hafid, and is generally couched in gracious and friendly terms.

The Sultan appears to have become very nervous after consenting to these terms, and refused to sign the agreement until the morning of his departure. Unfortunately there was a heavy sea at the bar at Rabat, and it was thought better to send His Majesty to Gibraltar in the French cruiser "Du Chayla," whilst his household were brought in the "Gibel Dersa" to Tangier, where they have been installed in the Makhzen palace. He has now arrived at Marseilles, where, I understand, he was received with military honours.

Mulai Hafid leaves Morocco with the contempt of his people, not untinged with a certain admiration for the able manner in which he has secured his personal interests. During the four years of his reign he seems to have been completely dominated by the desire to amass as large a fortune as possible. A stronger man than Abdel Aziz, but without his dignity or refinement, he has displayed a certain amount of cunning in dealing with the situation which the French protectorate has imposed on the country. He was originally supposed to be very anti-European, no doubt only to serve his ambitious designs, but he soon perceived that the French were the only nation with whom he would have to deal. Having failed to obtain support from any other Power, he finally, after a considerable amount of bluster, submitted to the inevitable, and

assumed apparently amicable relations with the French. Since then he seems to have been merely actuated by the desire to squeeze as much personal profit as he could out of the negotiations for the protectorate, and to escape the vengeance of his people. Dr. Verdon tells me that latterly he has been quite uncontrollable, owing to his fear of harsh treatment at the hands of General Lyautey, who no doubt, but for the concessions made by M. Regnault, and the desire of his Government to deal leniently with His Majesty, would have adopted a far severer attitude towards him. Their relations had at any rate become such that, as latterly Hafid refused to render any assistance to the French, the only solution seemed to be to allow him to leave the country, and take the necessary precautions to prevent him in any way intriguing against the French when beyond their control.

As I have already informed you in my telegram No. 87 of the 14th instant, Mulai Yusef has been proclaimed Sultan. He is a younger brother of Mulai Hafid and Mulai Abdel Aziz, and was appointed Viceroy at Fez on the departure of the Sultan for Rabat in June. He is generally considered *un homme nul*, and his reputation for piety, which appears to be his only asset, is not likely to give him much influence in the tribes or the country generally. His Majesty's consul at Fez, who paid Mulai Yusef a visit in June last, describes him as "a good-natured, easy-going man, but of no particular originality, intelligence, or force of character." He is generally unknown, and his proclamation has been received with complete indifference. The signs of rejoicing which usually accompany this ceremony have been conspicuous by their absence. So few signatures were appended to the Act of Allegiance here that the Commissioner for Foreign Affairs has privately requested those of the leading Tangier notables who have not already signed to call on him to-day in order that they may do so. People in Tangier would have undoubtedly preferred the selection of the ex-Sultan, Mulai Abdel Aziz. As I have already reported, the French Legation have made every effort to persuade Abdel Aziz to return to the throne, but he has wisely refused to do so under present circumstances. I have as yet no news as to the proclamation of Mulai Yusef at Fez. No disturbances have been reported so far as the result of the proclamation, but one cannot help feeling that it will make the most unfortunate impression amongst the tribes, and more especially in the south. The situation at Marrakesh is in any case very grave, and the news of Hafid's departure to France and the proclamation of an unknown successor will no doubt give a considerable impetus to the movement of the Pretender, El Hiba. My French colleague, who came to see me the day before the proclamation of Mulai Yusef, told me that he had been instructed by the Resident-General to ask me, in the name of his Government, to write to Raisuli to beg him to use his influence to prevent any unrest in his district. I told M. Martin that Raisuli was not a British protégé, and that I could not communicate directly with him, as a Makhzen official in the Spanish zone, on such matters, but that, in view of the desire of General Lyautey and his Government, I would cause a message to be conveyed to him. As far as I know there is no reason to believe that Raisuli is likely to foment any disturbance in his district or proclaim Mulai Abdel Aziz, as M. Martin suggested, and such a message would only be calculated to put such an idea into his head. I could, however, scarcely refuse to comply with the wishes of General Lyautey, and I have therefore caused a message in the sense desired to be conveyed to Raisuli through El Menebhi.

I hear from M. de Revel, who is a member of the residency staff, and accompanied Mulai Hafid to Gibraltar, that General Lyautey may go back to Fez for a few days before going on leave of absence, unless it is decided that Mulai Yusef should come to Rabat from Fez. As M. de Revel, who was in the French Legation here, and in whose discretion I have the fullest confidence, was returning to Rabat immediately, I asked him to inform General Lyautey that I had caused a message to be conveyed to Raisuli, and that I had further written to the Governor of Gibraltar with regard to the Turkish officers who were believed to be about to join the Pretender's movement (see my despatch No. 216 of the 16th instant). I took the opportunity of speaking to M. de Revel about the lack of authority in Tangier, and the scandalous manner in which the Makhzen lands were being sold (see my despatch No. 213 of the 10th instant). I suggested, quite unofficially, that it might be well that instructions should be sent to the local authorities by the Grand Vizier to take the requisite measures to put a stop to such proceedings. M. de Revel thanked me for my information, and stated that he would at once speak to the Resident-General on the subject. As the basha here is the son of the Grand Vizier, I think that representations to the latter will have more force if made by General Lyautey, and I hope that instructions of a serious nature from Rabat may bring it home to the authorities here that they cannot neglect

their duties, and merely consider their private interests. I trust therefore that this action will meet with your approval.

I have, &c.
H. W. KENNARD.

P.S.—*August* 17, 1912. I have at this moment received a communication from the Commissioner for Foreign Affairs informing me of the abdication of Mulai Hafid and the succession of Yusef-ben-Mulai-el-Hassan to the throne.

H. W. K.

[35942] No. 67.

Mr. Kennard to Sir Edward Grey.—(*Received August* 26.)

(No. 219.)
Tangier, August 18, 1912.

Sir,

WITH reference to my telegram No. 88 of the 14th instant, I have the honour to transmit herewith copies of despatches* I have received from the British vice-consul at Marrakesh regarding the situation there and the movements of the Pretender.

You will observe from Mr. Broome's despatch No. 27 of the 8th instant, that the consular body had decided that, on hearing that the Pretender had reached Immintanut, a village about 60 miles south-west of Marrakesh and two days' march from the city, they would take steps to leave for the coast with their respective colonies. Though I have no definite news, I presume the Pretender must have reached this point, in view of the information contained in my telegram referred to above, that Mr. Broome was leaving Marrakesh on the 13th instant with all the European colonies and all British subjects for Saffi. It is evident that the opposition shown by El M'tougui to El Hiba's advance cannot have been very serious, and it is thought that he merely made a display of resistance in order to show he was doing something for the money which he is said to have received from the French.

I hear from His Majesty's acting-consul at Casa Blanca that Cid Mohammed-el-Amrani, Viceroy of the Shawia, is leaving Casa Blanca on a journey, and it is believed that he is going to Marrakesh, presumably to try to strengthen the Makhzen's authority there.

The proclamation of Mulai Yusef will presumably increase the probability of El Hiba's reaching Marrakesh, and, if he does so, he will no doubt be proclaimed there. When I mentioned this to my French colleague, he made the somewhat remarkable statement that the French did not care what happened at Marrakesh, I could not help thinking that it was as well that he had not made this remark to his German colleague. Herr Rhomberg recently asked me what my view was as to claiming compensation from the French Government for the loss sustained by German and English commercial houses through being compelled to abandon their business at Marrakesh. I replied that I had not yet given the matter my serious consideration, but that I thought that though the French had no doubt in a large measure made themselves responsible for the protection of foreign lives and interests, they could hardly be held answerable for the disturbances caused by the Sous Pretender.

His Majesty's consul at Casa Blanca recently received a letter from Messrs. Fernau and Co., an English firm, stating that, owing to the unrest at Marrakesh, they had been compelled to close their business premises there. They requested Mr. Haddon "to make all the necessary reserves against the Shereefian Government for such losses as they may sustain owing to the political disturbances by which they have to suffer." I should, therefore, be glad to have an expression of your views on this point, as my German colleague will probably refer to the subject again.

Under the new military organisation which General Lyautey has recently introduced, the territory actually occupied by the French troops has been divided into the following five "régions":—

1. Fez, including the country surrounding the capital and Sefroo. Under General Gouraud.
2. Mequinez, including the fort of Petitjean, Souk-el-Arba, and the posts of El Hajeb and Agourai. Under General Dalbiez.

* Not printed.

3. Rabat, including the Gharb, Mehedia and the Zair-Zemmour. Under General Ditte.

4. The Shawia, under General Tranchet-Desperey, who has replaced General Moinier.

5. The Dukalla and the eastern "cercle" of the Shawia. Under Colonel Mangin.

It appears that General Lyautey intends to effectually occupy and pacify these districts before attempting military operations on a large scale in the south. It is thought that perhaps an expedition may be sent to Marrakesh in the autumn, but at present offensive operations are confined to the dispatch of small mobile columns to crush any tribal rising near the large cities which it is thought can be nipped in the bud. These tactics have not proved very successful so far, and the column under General Gouraud recently sent against the Fishtala Pretender has failed to capture him. My Spanish colleague denies that the latter has taken refuge in the Spanish zone, and it appears that he is again displaying considerable activity to the north of Fez. Nothing has been done as yet to show any assertion of French authority in the south beyond an ineffective bombardment of Agadir. Unfortunately, General Lyautey has not enough troops at his disposal to undertake the offensive on a large scale. The troops engaged in the recent operations are so exhausted by illness and fatigue, that they cannot be expected to do more than defend the posts they are holding at present, and such reinforcements as are arriving now will only serve to fill the ranks which have been so depleted. It is difficult to see how France is going to effectually meet her obligations as "nation protectrice," unless the French Government can send reinforcements on a far larger scale than they are doing at present. I gather that the naval force in these waters is to be considerably strengthened by two or three armoured cruisers, but they can do little except making a show of force in the coast ports.

It is possible that General Lyautey is awaiting the end of the summer before taking any steps to deal with the Sous Pretender, but it seems unfortunate that foreign trade interests in the south must suffer in the meantime, and I should not be surprised if the German Government shortly made serious representations on the subject, as their interests there are quite considerable, and they have already shown some disposition to throw the entire responsibility for the present situation on to the shoulders of the French authorities.

I have, &c.
H. W. KENNARD.

[36332] No. 68.

Memorandum communicated by French Chargé d'Affaires, August 27, 1912.

LE Gouvernement de la république a étudié avec le plus grand soin la note que le Secrétaire d'État pour les Affaires Étrangères avait adressée à M. Paul Cambon, le 23 juillet dernier, au sujet du régime international à installer à Tanger.

2. La France a toujours été disposée à installer à Tanger un régime international, et sa conduite même démontre qu'elle a constamment voulu exécuter ses engagements à cet égard. Le Gouvernement de la république n'a aucune visée particulière sur Tanger; il n'y recherche aucun privilège et aucun avantage d'aucune sorte; sa seule préoccupation—et on ne saurait en contester la légitimité—est de ne se prêter qu'à la création d'un organisme viable, dans lequel la France n'aura pas d'autres droits que ceux des autres Puissances, mais dans lequel aussi elle ne sera pas placée dans une situation d'infériorité.

3. De ces principes, le Gouvernement de la république n'a cessé de s'inspirer au cours de ses pourparlers déjà longs avec le Cabinet de Londres; mais la question du futur statut de Tanger est si compliquée et, il faut le dire, si nouvelle, que des malentendus se sont produits sur quelques points. Il est nécessaire de dissiper ces malentendus avant la reprise des négociations de Saint-Sébastien et d'arriver à une entente entre les Gouvernements français et britannique sur les principaux sujets de discussion: procédure à suivre pour l'établissement du statut de Tanger, et, en ce qui concerne l'organisation même de ce statut, composition du corps municipal, de l'organe exécutif de la municipalité et de la Commission de Contrôle.

4. La question de la procédure à suivre pour l'établissement du statut de Tanger a

fait l'objet de la note précitée du Foreign Office du 23 juillet dernier. Le point de vue français sur cette question est parfaitement clair.

5. Le Gouvernement de la république n'entend pas assimiler l'organisation de Tanger à une simple mesure de réorganisation analogue à celle que le Sultan pourrait prescrire avec le concours de la France dans tout autre port marocain; mais il maintient qu'il n'a assumé le devoir d'internationaliser ou de neutraliser Tanger, ni envers l'Allemagne, ni envers aucune des autres Puissances qui ont adhéré à l'accord franco-allemand du 4 novembre, 1911, la Grande-Bretagne et l'Espagne exceptées.

6. Toutefois—et M. Paul Cambon l'avait marqué dans sa note du 28 juin dernier—il n'est pas possible dans la pratique de limiter aux seuls intérêts anglais et espagnols le bénéfice du régime exceptionnel que la France avait promis d'établir à Tanger, et le Cabinet de Paris a toujours considéré que la conséquence naturelle des avantages consentis à la Grande-Bretagne et à l'Espagne serait de créer à Tanger une égalité générale de droits pour tous les pays signataires de l'Acte d'Algésiras.

7. Que si au point de vue théorique la France ne met pas en doute le caractère volontaire de la concession ainsi faite aux Puissances autres que la Grande-Bretagne et l'Espagne, et son droit de limiter et de régler cette concession sans devoir les consulter, le Gouvernement de la république n'en reconnaît pas moins l'utilité de provoquer des suggestions dont il pourrait être tenu compte pour fixer les détails du régime à établir; ce serait évidemment le moyen d'assurer le bon fonctionnement et la durée du statut de Tanger.

8. La nouvelle procédure que recommande Sir Edward Grey dans sa note du 23 juillet semble de nature à parfaitement concilier les exigences diverses de la situation. Ainsi que le propose le Secrétaire d'État pour les Affaires Étrangères, l'accord actuellement négocié à Madrid prendrait la forme d'une convention à laquelle serait annexé un décret chérifien; les trois Puissances contractantes communiqueraient la convention et le projet de décret au Gouvernement allemand en lui demandant d'adhérer à l'une et d'accepter l'autre; l'assentiment des autres États, moins intéressés au Maroc, ne serait sollicité qu'ensuite.

9. Cette proposition de Sir Edward Grey n'a pas seulement le mérite de résoudre une épineuse difficulté de procédure; elle évite aussi de laisser trop de place à l'imprévu, inconvénient qui se produirait si on laissait soit au corps consulaire, soit à la future assemblée municipale, le soin de réglementer le fonctionnement du régime de Tanger.

10. Les questions qui se posent à propos du fonctionnement de ce régime sont infiniment complexes: il importe à la Grande-Bretagne comme à la France de les bien résoudre; on ne peut se dissimuler cependant que, même après les études faites de part et d'autre, les projets en cours d'examen à Saint-Sébastien proposent sur beaucoup de points des solutions ou trop sommaires ou trop hasardeuses. Tel paraît le cas en ce qui concerne la composition de la municipalité, celle de l'organe exécutif et celle de la Commission de Contrôle.

11. La composition de la municipalité est une question d'autant plus délicat que, avec une population sans cohésion ni traditions, Tanger a plus de chance qu'aucune autre ville méditerranéenne d'élire une représentation instable et agitée.

12. On s'est déjà préoccupé de précautions à prendre afin de remédier à ce danger. De ces précautions, une des plus efficaces sera assurément la nomination de la moitié des membres de l'assemblée municipale par les représentants des Puissances et le Sultan. Mais il semble qu'il y aurait plus d'avantages que d'inconvénients à faire désigner par chaque consul un membre de droit. Ce que l'on veut atteindre, c'est la constitution, parmi les personnes honorables et compétentes de Tanger, d'une représentation normale des intérêts municipaux, et le meilleur moyen de réaliser ce dessein serait probablement de faire établir par les consuls réunis en conférence la liste des membres nommés, en limitant, si on le juge utile, le nombre des membres nommés appartenant à la même nationalité à un chiffre fixé, deux par exemple.

13. En ce qui concerne les conseillers soumis à l'élection, la question est beaucoup plus grave. Le Gouvernement britannique a jusqu'ici posé en principe que ces conseillers seraient élus par un corps électoral unique. Au premier abord, le Gouvernement français n'y avait pas contredit, mais il est amené à douter de la sagesse de ce principe par les réflexions que lui suggère sa propre expérience dans l'Afrique du Nord.

14. Il doit constater que la réunion dans un seul corps électoral d'éléments différents et inégaux facilite les tractations douteuses, prépare l'agitation et avive les haines de race que l'on voulait précisément apaiser. C'est ainsi que la crise antisémite de l'Algérie a été causée par l'introduction dans le corps électoral français des Israélites

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indigènes, qui départageaient les partis français en se portant tantôt d'un côté, tantôt de l'autre.

15. Ces précédents donnent à penser que, si aucune raison ne pousse à diviser entre eux les électeurs européens de Tanger, il serait véritablement indispensable de séparer les électeurs européens des électeurs indigènes, et, même parmi ceux-ci, de distinguer les deux races qu'un long voisinage n'a pu réussir à rapprocher.

16. Le Gouvernement de la république attire la très sérieuse attention du Gouvernement de Sa Majesté le Roi sur les considérations qui précèdent et lui demande, dans le cas où il arriverait à la même conclusion, de lui indiquer quelle solution pourrait être proposée.

17. Il semble que l'on pourrait, par exemple, porter de vingt-quatre à trente le nombre des conseillers tangérois afin d'obtenir une base plus large pour la répartition des sièges à opérer entre les diverses sections. La majorité devrait être acquise aux représentants des Puissances ; mais il y aurait lieu de tenir compte du fait qu'il y a actuellement à Tanger six indigènes contre un Européen et aussi du mouvement qui existe en France comme en Angleterre en faveur de la participation des indigènes à la gestion des affaires locales dans les colonies. Le Gouvernement français estime qu'il conviendrait d'octroyer aux musulmans de Tanger dix sièges (cinq nommes, cinq élus) et aux Israélites quatre sièges (deux nommés, deux élus).

18. Il faut également signaler la question difficile qui se posera si l'on admet la division du corps électoral de Tanger, à propos des protégés indigènes. De très fortes raisons font souhaiter la disparition du régime de la protection, qui perdra d'ailleurs ses motifs d'existence et ses avantages avec l'organisation du statut international. Inscrire les protégés sur les listes indigènes serait menacer l'équilibre recherché, puisqu'ils augmenteraient indirectement le nombre de voix de la Puissance protectrice ; et cependant on ne pourrait les inscrire parmi les Européens.

19. Les pouvoirs de l'assemblée municipale de Tanger seront beaucoup plus étendus qu'en aucune autre ville, puisqu'ils comporteront de véritables attributions de souveraineté ; il importerait donc de les classer et de les hiérarchiser nettement. La combinaison des régimes municipaux et des régimes coloniaux actuellement en vigueur fournirait les éléments d'un ordre aisément adoptable.

20. Jusqu'à présent on ne semble cependant pas avoir élucidé la question de l'organe exécutif. La seule hypothèse qui ait été envisagée était la remise des pouvoirs d'administration à une commission exécutive de la municipalité. Cette formule d'une commission, excellente en matière de contrôle, paraît moins appropriée à l'organisation d'une direction et à l'assiette d'un commandement. Le principe de l'unité de pouvoirs exécutifs est recommandé par l'expérience ; il serait sage de ne pas le violer et de donner à la municipalité de Tanger un chef, assisté dans la pratique de deux ou trois adjoints élus, qui exerceraient certaines attributions sur sa délégation.

21. Ce chef serait destiné à un rôle considérable, il posséderait les prérogatives d'un maire en même temps qu'il serait l'administrateur de la zone internationalisée et le commissaire du protectorat collectif de cette zone. Le nom de commissaire-administrateur résumerait assez bien l'ensemble de ces hautes fonctions.

22. Le choix de ce personnage sera un acte délicat et important, qu'il conviendra d'entourer de précautions et de garanties. Il est fort douteux que l'on puisse trouver sur place une personne possédant les capacités et disposant de loisirs nécessaires à cette lourde tâche ; et il serait peut-être préférable de décider dès maintenant que le commissaire-administrateur sera choisi hors de la zone tangéroise. Dans l'opinion du Gouvernement français, il serait prudent de prévoir les compétitions et les intrigues en confiant, par exemple au Président de la Confédération suisse, le soin de désigner le commissaire-administrateur parmi les ressortissants d'une Puissance désintéressée. La France ne réclamerait d'autre prérogative que de le présenter au Sultan et de notifier son investiture.

23. L'observation déjà faite au sujet de l'organe exécutif, qui avait été trop sommairement constitué dans les projets de statut de Tanger, s'impose dès que l'on étudie de plus près les autres rouages de la future institution. Ainsi en est-il de la Commission de Contrôle, à laquelle on sera amené à conférer des attributions telles que cette commission deviendra un véritable conseil supérieur d'administration et de contrôle.

24. Cette extension de fonctions conduira sûrement à l'adjonction aux consuls et au représentant du Sultan de quelques spécialistes, ainsi que cela se fait dans les conseils supérieurs d'Algérie et de Tunisie, et dans certaines Chambres hautes des colonies britanniques. Sans le concours de ces "compétences," les discussions de la Commission de Contrôle risqueraient de se confiner dans des généralités vagues manquant

d'utilité pratique. Ces membres-adjoints pourraient d'ailleurs ne posséder le droit de vote que pour les affaires de leur ressort professionnel ; il s'agit uniquement d'éclairer, non de déplacer, la majorité qui doit appartenir aux consuls et au représentant du Sultan.

25. Telles sont les observations fondamentales que le Gouvernement de la république tient à formuler. Il estime que la commission mixte de Madrid et Saint-Sébastien ne saurait formuler dans des textes précis les bases du futur régime de Tanger tant que les trois Gouvernements n'auront pas poussé plus avant la recherche d'un terrain limité sur lequel ils aient réussi à concilier leurs points de vue.

26. La France est toute prête à poursuivre cette étude complémentaire ; elle s'y offre avec l'entière certitude de faire apprécier un désintéressement dont témoignent les suggestions exposées dans le présent mémorandum et aussi avec la ferme volonté, dont elle sait également animés le Gouvernement britannique et le Gouvernement espagnol, de faire à Tangier une œuvre utile et durable. D'autre part, elle considère qu'elle engagerait trop gravement sa responsabilité si elle consentait à confier soit à la future municipalité, soit même au corps consulaire de Tanger, la tâche lourde et délicate d'élaborer une véritable constitution qui n'a pas d'exemple dans le passé et où l'avenir viendra peut-être chercher un modèle.

Ambassade de France, Londres, le 27 *août*, 1912.

[33718]

No. 69.

Sir Edward Grey to Mr. Rennie.

(No. 101.)

Foreign Office, August 28, 1912.

Sir,

I HAVE received Sir M. de Bunsen's despatch No. 130 of the 8th instant, enclosing a memorandum drawn up by the Spanish Ministry for Foreign Affairs on the subject of the representation of the Sultan of Morocco at Tangier.

There appear to me to be two fallacies in the Spanish memorandum which vitiate the whole argument.

Firstly, it is not proposed that the Moorish khalifa in the Tangier zone should be the depository of the general powers of the Sultan. He will be an agent selected by and practically dependent on the municipality to deal, under its supreme control, with certain native affairs. The confusion arises perhaps from a misunderstanding of a passage in my despatch No. 81 of the 27th ultimo, where it is stated that "the Moorish official . . . . will stand to the municipal council in exactly the same relation as the khalifa in the Spanish zone to the Spanish chief commissioner." The Spanish Government seem to have interpreted this as meaning that the Moorish official in Tangier was to occupy a position in all respects similar to that of the Spanish khalifa. This was, however, not intended. Whilst in the Spanish zone the Sultan delegates his authority nominally to the khalifa, he will do so, as regards Tangier, to the municipality. There is therefore no further sovereign authority with which the Sultan could invest a purely Moorish official in Tangier. What was meant by the comparison was that just as in the Spanish zone the khalifa will in reality take his orders from the Spanish commissioner, so in Tangier the Moorish official will be subject to the control of the municipality.

In the second place, the position, as explained in my despatch No. 81, is described in the first three paragraphs of the Spanish memorandum in a way to give an erroneous impression of what is contemplated. It is the Sultan's representative on the Committee of Control who in that capacity is to be in the same position as the French or British or other representatives. The Spanish Government have applied this observation to the Moorish official who is to be the intermediary between the municipality and the Moorish population. It is true that the two posts of Sultan's representative on the Committee of Control and of Moorish agent under the municipality might be held by the same person, but, if so, his functions and position in each capacity would be entirely distinct.

I should be glad if you would communicate this despatch to Mr. White, and request him to give further explanations to M. Padilla, so as to make our point of view quite clear. I may add that Sir R. Lister entirely agrees with me in considering that it would be neither practicable nor altogether desirable to exclude the Sultan's representative from the Committee of Control, though, if both the Spanish and French

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Governments were to be strongly in favour of such exclusion, I should be ready to reconsider the matter.

A copy of this despatch is being sent to His Majesty's chargé d'affaires at Tangier.

I am, &c.
E. GREY.

[35942] No. 70.

Sir Edward Grey to Mr. Kennard.

(No. 108.)
Sir, *Foreign Office, August* 28, 1912.

I HAVE received your despatch No. 219 of the 18th instant, enclosing despatches from the British vice-consul at Marrakesh regarding the situation there.

I consider that it would not be possible to refuse support to claims for reasonable compensation from the Moorish Government which may be put forward by British firms in connection with the disturbances at Marrakesh.

I am, &c.
E. GREY.

[36369] No. 71.

Mr. Rennie to Sir Edward Grey.—(Received August 29.)

(No. 136.)
Sir, *San Sebastian, August* 26, 1912.

WITH reference to your despatch No. 87 of the 6th instant, I have the honour to transmit herewith a memorandum drawn up by Mr. White, giving an account of a conversation he had with the French Ambassador regarding the proposed lines of customs control between the various zones to be established in Morocco, and in regard to the resumption of the negotiations at San Sebastian.

I have, &c.
ERNEST RENNIE.

Enclosure in No. 71.

Memorandum by Mr. White.

I HAD put off taking any action to carry out the instructions contained in Sir E. Grey's despatch No. 87 of the 6th instant in regard to the proposed "lines of transit," as I hoped that M. Guiot might soon be returning. As, however, the date of his return is still indefinite, and as it appeared to me that any observations I might make would be more likely to have effect if presented while the German Government were pressing their objections to the proposed system, I called upon the French Ambassador this morning with a view to discussing the matter with him.

I found M. Geoffray engaged with Prince Ratibor, who returned from leave a few days ago. His Serene Highness told me, as he left, that in accordance with instructions received from M. de Kiderlen Waechter immediately before his departure from Berlin, he had been communicating to M. Geoffray the objections of the German Government to the proposed lines of transit. I observed that His Majesty's Government considered that the system would cause considerable inconvenience to trade, and that I should do all I could to obtain the abandonment of the idea.

On being received by M. Geoffray, his Excellency informed me at once that he was starting for Paris to-morrow morning, as M. Poincaré had telegraphed requesting him to proceed to Paris at once, as he desired to consult with him. The telegram did not state on what matters he was to be consulted, but his Excellency presumed it was in regard to the various points under discussion in connection with the Tangier negotiations. He had received a letter from M. Guiot, telling him that he had been summoned to Paris from Berne (where he was with his invalid wife) in order to take part in the discussions on the German objections to the lines of transit and other points. It was probable, therefore, that M. Poincaré desired to discuss these questions with

himself, M. Guiot, M. Paléologue, and the head of the Morocco department, with a view to submitting the decision that may be arrived at to the Council of Ministers about to be held at Rambouillet.

I informed M. Geoffray that I had received instructions some time ago to bring to M. Guiot's notice the strong objection that had been raised by the Board of Trade to the proposed lines of transit, I had hoped that M. Guiot's absence would not be so prolonged, and had therefore as yet taken no action upon my instructions. As, however, it seemed quite uncertain when M. Guiot would return, and as his Excellency was about to discuss this matter at Paris, I trusted he would allow me to expose to him the views of His Majesty's Government. I then explained to him the grounds upon which the Board of Trade objected to the system, and I pointed out that the additional revenue which the French zone would acquire from this source would be comparatively unimportant at first, and would in all probability be eventually practically nil. The French Government have agreed that the amount to be paid by the Spanish zone on account of duties levied on goods passing into the French zone should only be the excess of such duties over a sum of 600,000 fr., for which the Spanish zone was to take credit. After deduction therefore of this sum, as well as of the amount due for the service of the 1904 and 1910 loans, the amount to be paid to the French zone could not be very considerable. It might be taken for granted, I added, that Tangier would be placed on the same footing in this respect as the Spanish zone, and would similarly be allowed to take credit for a sum of about 600,000 fr.; so that the same remarks would apply to the revenues to be derived from this source at Tangier. If, however, the amount would be small at first, it would certainly be much smaller, in fact probably nil, in a few years time, when the Casa Blanca port works are completed, or a port made at Mehedia, for then all goods for Fez will doubtless take the shorter land route, and will cease to be sent viâ Tangier or Laraiche. In fact, the customs receipts for the first six months of the current year already show an extraordinary decline in imports at Laraiche. In these circumstances was it, I asked, worth while adopting a system which will give rise to considerable irritation in commercial circles, and will be a serious inconvenience to trade? I explained to M. Geoffray some of the difficulties to which the system would give rise, and the inconvenience and expense which it would cause to merchants, and I expressed the hope that he would be able to persuade his Government to abandon the idea.

M. Geoffray told me that personally he had always been of opinion that the system was a bad one. He had just been discussing the matter with Prince Ratibor, who had stated the objections of his Government to the system, and he was very glad to have had this conversation with me and to have learnt the views of the Board of Trade, which he would certainly put before M. Poincaré. He hoped he might be able to induce his Government to yield on this point, but both M. Poincaré and M. Guiot were wedded to the idea of the lines of transit, and it would in any case be necessary to make some such arrangement to prevent arms and ammunition being smuggled into the French zone from that of Spain.

I observed that means could doubtless be found for preventing the entry of arms and ammunition without subjecting trade to the inconvenience and expense which would arise from the creation of what were virtually internal customs houses.

At the Ambassador's request I gave his Excellency privately a copy of the Board of Trade letter for his personal information.

M. Geoffray also spoke of the question of the resumption of the negotiations here. M. Guiot, he said, was very unwilling to return, as he naturally desired to be with his wife during her serious illness and at a moment when her mother was about to undergo a second dangerous operation. There was no one else who could satisfactorily fill M. Guiot's place, as he is qualified to speak not only for the French Government, but also for the bondholders, and nothing in any way touching their interests could be done without his consent. He questioned, therefore, whether it would not be better to adjourn the negotiations for a time.

I said that His Majesty's Government were very anxious that there should not be an adjournment and that the negotiations should be completed as soon as possible; which indeed was equally in the interests of France and Spain. Moreover, it would produce an unfavourable impression were the commission to separate without coming to an agreement, as it would give rise to the belief that serious difficulties existed between the two Governments. M. Geoffray observed that it could not be denied that such serious difficulties did in fact exist. I replied that there was undoubtedly a divergence of views on some important points, but given the friendly relations and good-will existing on both sides and the conciliatory spirit in which the negotiations

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were being conducted, I had no doubt that the difficulties would be speedily surmounted and a satisfactory solution would be found. If it was impossible for M. Guiot to return at once, his absence would not in any case, I hoped, be prolonged for more than two or three weeks and one of the secretaries of the French Embassy might in the meantime be authorised to continue the discussions so that progress could be made on some points in which the interests of the bondholders were not concerned.

M. Geoffray said that his Government were equally desirous to see the negotiations speedily terminated and he would endeavour to have arrangements made, if possible, for proceeding with the negotiations.

H. E. W.

San Sebastian, August 26, 1912.

[36366] No. 72.

Sir F. Bertie to Sir Edward Grey.—(Received August 29.)

(No. 375.)

Sir, *Paris, August* 27, 1912.

I HAVE the honour to transmit to you herewith, with reference to my despatch No. 335 of the 31st July, copy of a note from the Minister for Foreign Affairs replying to the one which I addressed to his Excellency under the instructions conveyed to me in your despatch No. 361 of the 27th July in regard to the question of the customs in the Tangier international zone.

M. Poincaré states that the French Government have examined the views of His Majesty's Government, as set forth in my note to them of the 31st July, with the greatest care, but are unable to abandon their view as to the desirability of maintaining the existing Contrôle de la Dette, and his Excellency explains in detail the reasons for which the French Government find themselves unable to agree to the proposals of His Majesty's Government that the administration of the Tangier customs should be entrusted to the municipal body, and that the situation of the international zone in this respect should be assimilated to the one which is to be inaugurated in the Spanish zone as a result of the Franco-Spanish negotiations.

In regard to the distribution of customs revenue collected in the international zone, M. Poincaré formulates the desiderata of the French Government, which he believes to be substantially in agreement with the proposals put forward by His Majesty's Government, though differing from them in form. As far as the 2½ per cent. special tax is concerned, he agrees to its entire proceeds being assigned to the Tangier municipality, subject to the reservation that such assignment shall duly become operative when the French Government are satisfied that the administration is organised on an efficient basis. The hope is expressed that His Majesty's Government, finding the French Government in general agreement with their views in regard to the distribution of customs revenue to Tangier, will not further insist upon the substitution of the Tangier municipality for the Contrôle de la Dette.

Two points to which the French Government attach special importance remain to be settled, viz., the powers of the Sultan's representative and the method of procedure; and his Excellency expresses the hope that the conversations between the two Governments may be broadened so as to enable any divergence of views which may still exist in regard to essential questions to be removed.

I have, &c.

FRANCIS BERTIE.

Enclosure in No. 72.

Memorandum communicated to Sir F. Bertie by M. Poincaré.

PAR une note en date du 31 juillet dernier l'Ambassade britannique à Paris a bien voulu rappeler l'attention du Département des Affaires Étrangères sur la question du contrôle des douanes dans la future organisation de Tanger.

Le Gouvernement de Sa Majesté estime que les objections du délégué français à l'établissement d'une administration municipale de la douane de Tanger ne doivent pas être considérées comme insurmontables; que, d'autre part, le maintien à Tangier du Contrôle de la Dette doit, si possible, être évité comme incompatible avec l'internationalisation réelle de la future zone.

L'Ambassade d'Angleterre suggère en outre l'arrangement qu'il conviendrait, à son avis, de faire pour attribuer à la zone de Tanger la part qui doit lui revenir dans les revenus des douanes marocaines et des charges qui doivent grever ces revenus.

Le Gouvernement de la république n'a pas manqué d'accorder la plus sérieuse attention aux vues exprimées par Sir Francis Bertie, et a examiné dans quelle mesure il lui serait possible de s'y rallier.

Le Département des Affaires Étrangères a l'honneur d'exposer ci-après le résultat de l'étude à laquelle il vient ainsi de procéder.

Le Gouvernement britannique reconnaît qu'il n'avait pas antérieurement au 9 juillet réclamé l'abolition du Contrôle de la Dette en zone internationale; mais il rappelle qu'il prévoyait, dès le 14 mars, que des arrangements spéciaux devraient être arrêtés en ce qui concerne les douanes; et il attendait, pour préciser ses idées, le résultat des négociations qu'il savait en cours sur ce point entre la France et l'Espagne.

Les vues du Gouvernement britannique étaient connues du Gouvernement français dans la forme où elles ont été présentées par Sir Edward Grey (mémorandum du 2 mai). La question des douanes était alors envisagée par le Cabinet de Londres surtout au point de vue produit douanier et des nécessités du budget municipal: "Le Gouvernement de Sa Majesté considère qu'il ne serait que juste d'attribuer à la municipalité 'some portion of the Tangier customs though collected by the Contrôle de la Dette.'" "Il devrait être admis, tout au moins, que le moment venu, dans une quinzaine d'années, lors de la conversion des emprunts, quelque arrangement pourrait intervenir, 'if experience has shown that the available resources are sufficient,' pour libérer les douanes et les monopoles du Gouvernement de leurs charges présentes 'with a view to some portion of these revenues being made directly available for Tangier.'"

Le Gouvernement français n'avait été à aucun moment autorisé à penser que le Cabinet de Londres poursuivit l'éviction de l'administration du Contrôle de la Dette et qu'il considérât son maintien "comme incompatible avec l'internationalisation réelle de la zone municipale." Le Foreign Office constatait, au contraire, que la municipalité devrait tolérer à ses côtés des administrations indépendantes:—

"The task of the municipality will already be sufficiently hampered by the independent administration such as customs, the Government monopolies, and the State Bank, which must exist within its borders" (Foreign Office, 10 mai, 1912); et il en prenait texte pour revendiquer au profit de la municipalité des avantages sur d'autres terrains, tels que celui du chemin de fer.

Pour étendre autant que possible, suivant le désir du Foreign Office, les pouvoirs attribués à la municipalité, le Gouvernement français a renoncé a faire prévaloir ses vues sur nombre de points importants et l'on ne saurait méconnaître ni l'effort considérable de conciliation qu'il a fait, ni sa collaboration loyale en vue de préparer, dans la mesure où le permettent les situations préexistantes et les demandes légitimes de l'Espagne, l'autonomie du territoire municipal. Mais sur quelques points, notamment sur le maintien de l'Administration du Contrôle de la Dette, le Gouvernement de la république ne peut renoncer à sa manière de voir.

On ne croit pas qu'il y ait intérêt à discuter ici les combinaisons envisagées pour le règlement de la question douanière et financière en zone espagnole, avec ou sans la garantie du Gouvernement espagnol. Il n'est pas douteux qu'en fait l'Espagne propose de garantir le paiement d'un forfait annuel, et qu'en cas de besoin elle paierait sur ses propres ressources, afin de ne pas laisser réintroduire à Larache et à Tétouan le Contrôle de la Dette.

Contrairement à ce que paraît penser le Foreign Office, il n'y a pas, à ce point de vue, d'assimilation à établir entre les deux zones espagnole et internationale.

La zone municipale doit supporter pour sa part la charge des deux emprunts 1904 et 1910, et celle de la créance militaire française. La zone espagnole ne supportera que la charge des deux emprunts, car la créance militaire française a fait l'objet d'une compensation.

Le Gouvernement espagnol et le Gouvernement français se sont fait l'un à l'autre, au cours de la négociation actuelle, des concessions; celle que consent le Gouvernement français au titre des emprunts, et sous réserve de l'assentiment des porteurs intéressés, est considérée comme la contre-partie d'avantages concédés sur d'autres points par le Gouvernement espagnol. La zone internationale ne peut revendiquer vis-à-vis de la France aucun droit à compensation.

Dans le système de l'autonomie douanière, si, par une hypothèse peu vraisemblable l'administration de la zone espagnole manquait à payer le forfait, il serait possible aux intéressés d'exercer une action contre le Gouvernement espagnol, qui devrait ou s'acquitter ou subir le rétablissement du Contrôle de la Dette dans l'exercice de ses

prérogatives. Dans la zone de Tanger, en cas de non-paiement du forfait, la municipalité n'aurait derrière elle aucun garant ; l'Administration de la Dette devrait donc reprendre son ancien service ; mais cette reprise ne pourrait avoir lieu qu'avec l'assentiment des Puissances ; il est à prévoir qu'il ne serait pas obtenu sans difficultés, et qu'en appuyant la restauration du Contrôle de la Dette, le Gouvernement français paraîtrait porter atteinte au caractère international de Tanger. A supposer d'ailleurs ces objections levées et le Contrôle de la Dette réinstallé "automatiquement," que pourrait-on raisonnablement attendre d'une administration douanière qui passerait ainsi de mains en mains, revenant pour un temps à ses anciens directeurs, puis retournant à la municipalité lorsque celle-ci aurait montré, on ne sait par quels moyens, ses aptitudes à la reprendre ?

Au surplus, la municipalité de Tanger ne nous paraît pas pouvoir à bref délai présenter, en ce qui concerne les douanes, des garanties d'administration équivalentes à celles qui existent actuellement. La municipalité, dit la note anglaise, reprendra le personnel actuel et le mécanisme continuera de fonctionner sans heurts. Qui peut garantir qu'elle conservera le personnel repris ? Que pour donner satisfaction, par exemple, aux diverses nationalités, elle ne créera pas des postes nouveaux et inutiles ? Que, par ces créations elle n'apportera pas le trouble dans le fonctionnement du service en même temps qu'elle accroîtra les charges d'exploitation ? On sait que, dans tout service public ou privé, un changement de direction n'est en aucun cas indifférent ; peut-on espérer des résultats particulièrement favorables d'une direction exercée par une municipalité qui, même supposée excellente, sera à tout instant frappée d'inhibition, subordonnée qu'elle devrait être, si on s'en tient aux suggestions du Gouvernement britannique au contrôle étroit d'un corps consulaire omnipotent et irresponsable ?

A en juger d'ailleurs par les sûretés qu'il propose de prendre vis-à-vis de la municipalité internationale, il ne paraît pas que le Foreign Office partage pleinement la confiance qu'il voudrait voir accorder à cette organisation nouvelle par le Gouvernement français en matière d'administration douanière. Faut-il rappeler les propositions anglaises ayant pour objet la limitation du nombre et l'épuration des électeurs par élévation du cens l'introduction dans le conseil de douze membres consulaires sur vingt-quatre, l'approbation du corps consulaire, obligatoire en toute matière ? On ne s'étonnera pas que le Gouvernement de la république en même temps qu'il revendique, en vertu d'une règle de droit commun, le maintien des droits acquis, n'éprouve pas le désir d'en confier la sauvegarde à une municipalité dont on prétend limiter les pouvoirs à ce point ou à son conseil de tutelle qui serait, en définitive, le collège des Puissances. La servitude temporaire que crée le maintien du Contrôle de la Dette portera, ce nous semble, à l'autonomie de la zone internationale une atteinte plus apparente que réelle, bien moindre assurément que celle qui résultera de la servitude perpétuelle dont sera frappée la ville de Tanger au profit des intérêts militaire et naval de la Grande-Bretagne dans le détroit de Gibraltar.

Le Gouvernement de la république, par les raisons qui précèdent, estime que l'administration du Contrôle de la Dette doit être maintenue en zone internationale ; mais il confirme volontiers son intention de faire à la municipalité de Tanger sa part dans les revenus douaniers.

Il avait jugé antérieurement que les zones espagnole et française pouvaient prétendre à une part sur le produit de la taxe spéciale de 2½ pour cent perçue sur des marchandises importées dans l'arrière pays et payée par des consommateurs étrangers à la zone internationale. Par esprit de conciliation, le Gouvernement français serait disposé à admettre à la rigueur, en ce qui le concerne, que l'intégralité de la taxe spéciale soit attribuée à la municipalité.

Mais ce serait là, de sa part, une concession considérable et qu'il se réserve de ne consentir définitivement que lorsque l'administration de Tanger sera organisée dans les conditions qu'il juge seules capables d'assurer sa vitalité et son bon fonctionnement.

A ce produit s'ajouterait une part de l'excédent net du produit des douanes après service fait des deux emprunts et de l'annuité française : la contribution de Tanger aux charges des deux emprunts précités et de l'annuité française et la part de recettes revenant à la municipalité seraient calculées sur le montant des droits acquittés par les marchandises consommées dans l'enceinte municipale ou exportées de cette enceinte. Pour répondre au désir de précision du Gouvernement britannique, on établit ainsi qu'il suit les bases de ce calcul dont il sera toujours facile au Contrôle de la Dette de recueillir les éléments au moyen d'un service spécial de statistique à organiser ultérieurement.

A supposer que le port de Tanger fournisse 15 pour cent à l'ensemble des recettes

douanières et que ces 15 pour cent représentent à concurrence d'un tiers, soit 5 pour cent, les droits acquittés sur des marchandises consommées en zone municipale ou exportées de ladite zone, la douane de Tanger ferait de ce tiers un compte spécial ; elle réservait tout d'abord, sur les recettes nettes de ce compte, les sommes correspondant à :—

5 pour cent de l'annuité de l'emprunt 1904 ;
5 pour cent de l'annuité de l'emprunt 1910 ;
5 pour cent de l'annuité militaire française ;

et elle versera le reliquat au compte de la municipalité.

Le Gouvernement de la république croit se trouver en plein accord avec le Gouvernement de Sa Majesté britannique sur cette répartition des produits douaniers qui, sous une présentation un peu différente, paraît cependant conforme aux vues exposées dans le mémorandum du 31 juillet, et il se plaît à penser, comme le lui fait entrevoir la conclusion de la note de Sir Francis Bertie que le Foreign Office n'insistera pas davantage sur la substitution de la municipalité de Tanger au Contrôle de la Dette.

Ainsi que le délégué anglais en a été informé, au cours du mois de juillet, les points sur lesquels le Gouvernement de la république attachait un intérêt spécial sont :—

1. La sauvegarde des droits acquis.
2. L'affectation de certaines ressources à la municipalité.
3. Les pouvoirs du représentant du Sultan tant au point de vue municipal qu'au regard des ressortissants marocains.
4. La procédure.

Les deux premières questions peuvent être considérées comme épuisées par la présente note et le mémorandum auquel elle répond.

Sur la troisième question, un accord partiel est intervenu entre les délégués anglais et français : il n'est plus contesté que le représentant du Sultan doive exercer au point de vue municipal les mêmes pouvoirs que les représentants des autres Puissances. Mais l'entente n'est pas faite encore sur les pouvoirs que le représentant du Sultan doit conserver au regard des ressortissants marocains. Le Gouvernement de la république pourrait difficilement admettre que, sur le territorite cédé à la municipalité, le Sultan fût en état d'infériorité, par rapport aux autres Puissances.

Enfin, la quatrième question, qui paraît être en voie de règlement, a fourni au Gouvernement de la république l'occasion de faire connaître son avis sur quelques points importants jusqu'ici trop négligés et de formuler dans sa réponse au mémorandum du Foreign Office en date du 23 juillet dernier son opinion sur les divers aspects du problème à résoudre.

Il est donc opportun que les conversations engagées entre les deux Cabinets de Londres et de Paris se généralisent assez pour lever les dernières divergences de vues qui pourraient exister entre eux sur les questions essentielles intéressant le statut de Tanger.

Le Ministre des Affaires Étrangères se plaît à espérer que Sir Francis Bertie voudra bien appuyer auprès de son Gouvernement les considérations ci-dessus exposées afin qu'un accord puisse intervenir à bref délai.

Paris, le 26 *août*, 1912.

[36614] No. 73.

Mr. Kennard to Sir Edward Grey.—(*Received August* 31.)

(No. 221.). *Tangier, August* 24, 1912.

Sir,

WITH reference to my despatch No. 202 of the 27th ultimo, I have the honour to report that Arzila has been occupied by Spanish troops. It is difficult to understand the cause of this movement, and the Spanish Legation are very reticent on the subject. It is clear that Raisuli can have had no objection to the entry of Spanish troops into the town, as it has taken place without opposition or any signs of hostility. I gatber that the forces now in the town have been drawn from the police "tabor" at Laraiche, which has been replaced by troops from Spain.

I have heard that Raisuli has not been very successful lately in his operations against the Ahl Serif and other mountain tribes, who have resented his oppressive methods. He appears to have lost much of his former energy, and is chiefly interested

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in the construction of a large palace at Arzila. It is possible, therefore, that he is glad of the moral support at any rate of the Spanish garrison in the town, while the Spanish Government no doubt consider the present moment as well suited for a demonstration of their progressive policy, in spite of the declarations of Señor Canalejas that the occupation was merely an "opération de ravitaillement."

I have, &c.
H. W. KENNARD.

[36615] No. 74.

Mr. Kennard to Sir Edward Grey.—(*Received August* 31.)

(No. 222.)
Sir,

Tangier, August 24, 1912.

WITH reference to my despatch No. 220 of the 19th instant, I have the honour to inform you that I have now received reports from the British consular officers announcing the proclamation of Mulai Yusef as Sultan in Fez and all towns of importance, with the exception of Marrakesh, where it is significant to note that the Pretender, El Hiba, was proclaimed at the same time as Mulai Yusef in the other cities of Morocco. There appear to have been no disorders in connection with the proclamation of Mulai Yusef, but the same indifference which marked the ceremony here has been predominant throughout the rest of Morocco. There is a feeling that the ulema and shorfa of Fez should have been first consulted regarding the succession rather than those of Rabat, and the manner in which the proclamation was made is freely criticised. Some of my colleagues here were somewhat indignant because Sid Guebbas made the communication enclosed in my despatch above referred to without announcing that he had been confirmed in his position as Commissioner for Foreign Affairs by the new Sultan. This oversight has now been remedied by a note on the subject, which I have acknowledged with an expression of personal appreciation.

While the French have now a more pliable figurehead, who, they hope, will satisfactorily co-operate with them in their work of pacification, it is doubtful whether they have greatly improved their position in the country through the change of Sovereigns. The mere idea that Yusef is a nominee of the French Government is sufficient to divest him of all the prestige which his predecessors have enjoyed, and it is even said that some of the tribes believe him to be an Algerian or Tunisian, whom the French have set up to govern them. Certain kaïds whose loyalty to the Makhzen had hitherto been wavering have taken the opportunity to throw off their allegiance, notably in the south, and unless some support be given to others whose personal interests are at stake, it is probable that they will go over to the Pretender, who is certainly greatly favoured by the coincidence of events.

I have, &c.
H. W. KENNARD.

[36616] No. 75.

Mr. Kennard to Sir Edward Grey.—(*Received August* 31.)

(No. 223.)
Sir,

Tangier, August 24, 1912.

WITH reference to my despatch No. 219 of the 17th instant, I have the honour to inform you that, as reported by telegram, the Pretender, El Hiba, was proclaimed at Marrakesh on the 16th instant, and entered the city two days later.

The events which preceded the departure of the European colonies from Marrakesh are recorded in despatches from the British vice-consul, copies of which are enclosed herewith.* Mr. Broome arrived at Saffi with Dr. Nairn and Mr. Manners-Sutton on the 15th instant. My German colleague informs me that the German consular agent reached the French post on the River Um-er-Rebea in safety, and that the German colony is now in Casa Blanca.

The French chargé d'affaires states that, as far as he knows, the only Europeans who did not escape were the French vice-consul, M. Maigret, and his chancelier, M. Monge, Commandant Verlet-Hannus, an officer on the staff of the resident-general, who was sent to Marrakesh to examine the situation, and Lieutenant Harring, who

* Not printed.

commanded the police "tabor" in the city. It appears that these officers attempted to leave Marrakesh on the day preceding the proclamation of El Hiba, but were stopped a few miles outside the city, and compelled to return. They have taken refuge in a house belonging to Hadj Thami Glawi, which is situated some distance to the east of Marrakesh, and is strongly fortified.

All information regarding what passed at Marrakesh after the departure of the European colonies is of course unreliable, as the only news obtainable now comes from couriers and other natives who merely repeat what they hear. It is evident that El Mtougui went over to El Hiba, as soon as he approached the city, and that the police deserted *en masse*. The Pretender himself appears to have only some 3,000 followers, but this force must now be swelled by El Mtougui's followers and other tribesmen who have flocked to his standard. It is said that the town has been pillaged, more especially the European quarter, and that the British vice-consulate and Messrs. Fernau's business premises were wrecked, chiefly by the townspeople, and not by El Hiba's men. It will be remembered that Messrs. Fernau are the firm mentioned in my despatch above referred to as having claimed compensation for any losses they may sustain through the present disturbances. The Glawa seem to have behaved better than El Mtougui, and have given asylum to the French officers remaining in the city.

I asked my French colleague what steps General Lyautey proposed to take to meet the situation, which appeared to be of extreme gravity, not only for Marrakesh but also for Mogador and Saffi, where there were a certain number of British subjects. General Lyautey has just visited Meshra-ben-Abbou, which is the most advanced French post, and is about 70 miles from Marrakesh. The French forces there, which are under the command of Colonel Mangin, consist of four battalions, two squadrons, and two batteries of artillery, in all about 4,000 men. It is proposed to enter into pourparlers with El Hiba for the safe conduct of the French officers, who have taken refuge in Glawi's house, and defend it for some days, to the nearest French post, and in the event of these negotiations proving unsuccessful, to send a column to Marrakesh for their relief. General Lyautey would have preferred postponing any offensive operations until the autumn, when the weather would have been less trying and the requisite reinforcements would have arrived; but it is now of course necessary to make some effort to rescue M. Maigret and the officers with him. With regard to Saffi, Mogador, and Mazagan, the armoured cruisers "Ernest Renan" and "Jules Ferry," which would be shortly joined by the "Jurien de la Gravière," are stationed off these ports to afford all the protection necessary for the European colonies there. I mentioned to M. Martin the advisability of supporting Sid Aissa-ben-Omar, the kaïd of Abda, who holds the approaches to Saffi (see Sir R. Lister's despatch No. 135 of the 7th June). Some disaffection is already reported at Mogador, and some of the police there have deserted. Sid Aissa will no doubt shortly be compelled either to join the Pretender's cause, or, in view of his diminished influence, to take refuge in Saffi and abandon any attempt to defend his territory. M. Martin told me that General Lyautey fully realised the necessity of ensuring the loyalty of Sid Aissa and strengthening his authority, but unfortunately the French vice-consul at Saffi had developed a policy of his own, and, despite his instructions, continued to show hostility to Sid Aissa. On my enquiring why this official had not been removed from his post in view of his apparent disregard of his instructions, M. Martin stated that as he knew local conditions well, it had not been thought advisable to remove him at present. I stated that I hoped that at present, when Sid Aissa's co-operation was so urgently necessary for the safety of Europeans at Saffi, steps would be taken to secure it. M. Martin assured me that General Lyautey fully understood this, and had no doubt taken the steps necessary to strengthen Sid Aissa's position.

Little is known as yet of Mulai-el-Hiba beyond the fact that he is the son of Ma-el-Aineen of Shingit, in the Western Sahara, who founded the sect of the Shingiata. Ma-el-Aineen was the implacable enemy of the French, and caused them considerable trouble in Mauritania. He was treated with the greatest consideration by Abd-el-Aziz, and a fine saint's house was erected at Marrakesh in his honour. He fell into disgrace with Mulai Hafid, who was unable to support him in view of the representations of the French authorities, and died at Tisnit, in the Sus, in 1910. El Hiba, who is about 30 years of age, has shown a certain amount of acumen in his policy so far. He refused to accept the presents which the Mannesmans are said to have offered him, and instructed his khalifa to expel certain Germans who are at Tarudant. Like most Pretenders, he poses as being very anti-Christian, and is also, like his father, credited with supernatural powers, which gain him the respect of credulous tribesmen. As to how far his movement will spread it is difficult to foretell. It comes at a favourable

moment when the country is generally discontented where it is not in actual revolt. It would seem wiser for him to content himself with the Sultanate of the south than to press on further north, where the French are in a better position to crush him.

On the other hand, the French policy of allowing the south to *cuire dans son jus* until they are in a position to adequately meet the situation is highly satisfactory from the point of view of foreign commercial interests, and, should Mogador and Saffi be threatened, would seriously affect British trade. It is to be hoped, therefore, that the necessary troops may be found to make an early effort to crush El Hiba and restore order in the south.

I have, &c.
H. W. KENNARD.

P.S. *August* 26.—It appears that in addition to M. Maigret and the other officers mentioned as being still at Marrakesh five other French subjects are still there. It is further stated in this morning's papers that they have all been handed over by El Glawi to the Pretender.

H. W. K.

[36706] No. 76.

Mr. Kennard to Sir Edward Grey.—(Received August 31.)

(No. 94.)
(Telegraphic.) R. *Tangier, August* 30, 1912.

MY despatch No. 217 : Casa Blanca port works.

In spite of his assurance that specifications for adjudication would be ready by 1st September, M. Porché informs me that newly appointed Director-General of Public Works of protectorate considers that it would be preferable to combine in one lot works under above-mentioned adjudication and works for completion of large mole and eastern mole in phase 2 (see Sir R. Lister's despatch No. 134). This would change adjudication of 3,000,000 fr. to one of 40,000,000 fr. M. Porché states that director-general, who is now at Rabat, is now ascertaining whether it will be possible to find funds necessary for this scheme, which could not be constructed from "Caisse spéciale." If so, he will recommend French Government to approve scheme.

He considers that delay will only be one of a few weeks, and that if financial difficulties are settled specifications for enlarged scheme could be ready at commencement of October, and adjudication could take place next February.

I have told M. Porché how unfortunate an impression this further change at the last moment will make on His Majesty's Government. As direction of Public Works has now been transferred from Tangier to Rabat, I consider that strong representations in Paris can alone prove efficacious.

Enlarged scheme should now prove more acceptable to British firms, and, if one could have any faith in the assurances of M. Porché, delay would not be very great, but in view of all that has passed you may think it necessary to insist that arrangement already agreed on should be carried out. Main objection seems to be that French Government have not come to any definite decision in the matter, which may prolong delay.

[36755] No. 77.

Mr. Kennard to Sir Edward Grey.—(Received August 31.)

(No. 95. Confidential.)
(Telegraphic.) *Tangier, August* 31, 1912.

MY despatch No. 221.

Menebhi has received a letter from Raisuli, dated yesterday, stating that Spanish troops have unexpectedly attacked Raisuli's forces in the Ahl Serif and routed them with considerable loss. No further details available.

Raisuli has sent in his resignation as governor through Menebhi, and proposes to leave Ardyla and go to his own tribe in the mountains to the east of that town.

On hearing this news I immediately saw the Spanish chargé d'affaires, who had no information, and warned him privately of the danger of losing the only authority capable of keeping order in the whole of this district. I suggested that the best course

would be to persuade Raisuli to come here and talk matters over with him. In the meantime, at the request of the Spanish chargé d'affaires, Menebhi has been asked to withhold Raisuli's letter of resignation to the Commissioner for Foreign Affairs for the present.

Spanish chargé d'affaires is telegraphing to the Spanish commandant at Alcazar and to his Government, and warning them of danger of driving Raisuli to extreme measures.

I would, however, suggest that the Spanish Government should be urged to take immediate measures to prevent situation which would be of extreme gravity for security in this district.

Menebhi has just received telephonic message from Raisuli stating that 900 Spanish troops have entered town and a collision may take place with Raisuli's men at any moment.

[36756] No. 78.

Mr. Kennard to Sir Edward Grey.—(Received September 1.)

(No. 96. Confidential.)
(Telegraphic.) *Tangier, September* 1, 1912.

MY despatch No. 216.

Makhzen authorities, at the request of the French chargé d'affaires, are about to arrest two Egyptians here for conspiracy against the Government.

French Legation, who state that they have full proof of the conspiracy, have informed me of the proposed arrest, and as one of them has Spanish naturalisation I propose to confine myself to seeing that the other is properly treated while under arrest, and have so informed the French chargé d'affaires.

[36749] No. 79.

Mr. Rennie to Sir Edward Grey.—(Received September 1.)

(No. 83.)
(Telegraphic.) R. *San Sebastian, September* 1, 1912.

MOROCCO : Franco-Spanish convention.

French Ambassador had an interview with the Spanish Minister for Foreign Affairs this morning.

He stated that the French Government were prepared to abandon the proposed lines of transit, substituting for them some fixed payments, the amount to be decided later.

His Excellency, however, informed the Spanish Minister for Foreign Affairs that his Government had been very unfavourably impressed by the attitude of the Spanish consuls at Mazagan and Mogador in connection with recent events at those places. The conduct of these officers had been most hostile towards the French authorities, and the French Ambassador suggested as his personal opinion that their removal was greatly to be desired. He hinted that it had at one time been contemplated in Paris to suspend negotiations until satisfaction had been obtained.

Spanish Minister for Foreign Affairs promised that he would consider the question. He proceeds to-night to Madrid to attend Council of Ministers, and will be back in San Sebastian only on Thursday morning.

(Repeated to Paris.)

[37063] No. 80.

Mr. Kennard to Sir Edward Grey.—(Received September 2.)

(No. 97.)
(Telegraphic.) R. *Tangier, September* 2, 1912.

MY telegram No. 95 of 31st August.

Raisuli has agreed to come here with consent of Spanish chargé d'affaires, who hopes to receive instructions from his Government to come to a definite understanding with him.

I think this essential in view of danger to district if Raisuli irrevocably breaks off relations with Spanish authorities as he threatens to do.

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[36755] No. 81.

Sir Edward Grey to Mr. Rennie.

(No. 70.)
(Telegraphic.) *Foreign Office, September* 2, 1912.

TANGIER telegram No. 95 of 31st August: Raisuli.

You should point out to Spanish Government gravity of situation in which Tangier may be placed through action of Spanish troops.

(Repeated to Tangier, No. 38, and Paris, No. 383.)

[36756] No. 82.

Sir Edward Grey to Mr. Kennard.

(No. 39.)
(Telegraphic.) *Foreign Office, September* 2, 1912.

YOUR telegram No. 96 of 1st September: Proposed arrest of two Egyptians.

I approve.

[36706] No. 83.

Sir Edward Grey to Mr. Kennard.

(No. 40.)
(Telegraphic.) R. *Foreign Office, September* 2, 1912.

YOUR telegram No. 94 of 30th August: Casa Blanca port works.

We are not prepared to raise any objection to first two phases being combined in one contract, provided that latter is properly submitted to adjudication and that work is not removed from control of Public Works Department.

Please report by despatch on relation in which new director-general stands to M. Porché and Public Works Department at Tangier. I do not understand director's position.

[37256] No. 84.

Sir F. Bertie to Sir Edward Grey.—(Received September 4.)

(No. 386.)
Sir, *Paris, September* 3, 1912.

I HAVE the honour to acquaint you, with reference to my despatch No. 377 of the 26th ultimo, that M. Poincaré replying to the memorandum which I left with him on that date informs me that his department, whose attention had been drawn by the Contrôle de la Dette to the fraudulent sale of Makhzen lands in the Tangier district, has requested that administration to use every effort to put an end to these abuses, which are due only too often to the complicity of Europeans and of the native authorities.

I have, &c.
FRANCIS BERTIE.

[37244] No. 85.

Sir F. Bertie to Sir Edward Grey.—(Received September 4.)

[By Post.]

(No. 116.)
(Telegraphic.) *En clair.* *Paris, September* 3, 1912.

TANGIER telegram No. 95 of 31st August and your reply No. 70 of yesterday.

General Lyautey complains of the intrigues and opposition of Spanish agents generally to France in Morocco, and M. Poincaré has instructed the French Ambassador at Madrid to make serious remonstrances to the Spanish Government.

[37411] No. 86.

Mr. Rennie to Sir Edward Grey.—(Received September 5.)

(No. 139.)
Sir, *Zarauz, September* 1, 1912.

THE French Ambassador returned the night before last to San Sebastian and had an interview this morning with Señor Garcia Prieto, who, during the last week, has been in attendance on King Alfonso at Bilbao.

M. Geoffray told me that, as a result of the conferences that had been held during his stay in Paris regarding the Moroccan question, he had informed the Minister for Foreign Affairs that his Government were prepared to abandon the lines of transit between the French and Spanish zones. He had been authorised to propose in substitution a system of fixed payments ("un forfait"), the amounts of which were subsequently to be determined, in order to satisfy the sums falling due to the French and Spanish zones respectively. Señor Garcia Prieto had replied that he would consider the proposal. In the event of this latest proposal being accepted, the French Ambassador considered that there was no reason why the Franco-Spanish Convention should not be signed or at least initialled.

His Excellency further told me that he had spoken very seriously to the Minister on the subject of the recent events at Mazagan and Mogador and the conduct of the Spanish consuls at those places in connection with the protection that had been accorded to persons who were in rebellion against the French authorities. The behaviour of the two consuls had been most hostile, and the impression it had caused in Paris had been very bad. At one time, he said, it had been mooted whether further negotiations should not be suspended until some satisfaction for the proceedings of these officials had been obtained. He had made the suggestion to Señor Garcia Prieto, as coming from himself, that they should be transferred elsewhere, and had told his Excellency that he thought this could be done without in any way affecting Spanish honour.

According to the French Ambassador, the Minister for Foreign Affairs had said nothing in defence of his subordinates, and had received his suggestion in good part. He had promised to carefully examine the reports he had received.

Both this question and that regarding the lines of transit will probably be submitted to the Council of Ministers, which is to be held in Madrid the day after to-morrow.

Señor Garcia Prieto is proceeding to-night to the capital, and it is understood that he will only return to San Sebastian on the morning of the 5th.

I have, &c.
ERNEST RENNIE.

[37499] No. 87.

Memorandum by Mr. White.—(Received September 5, 1912.)

THE French Government, in the memorandum of the 27th August, presented by the French chargé d'affaires in London, practically pass a sponge over the slate, wiping out all the agreements which had already been arrived at, and revert to their former proposal regarding Moorish representation on the municipal council, which had been abandoned in deference to the representations of His Majesty's Government, and put forward new proposals which appear to me to be too dangerous to be acceptable as they stand. The memorandum opens with protests that the French Government have no desire to seek in any way a privileged position for themselves in the international zone. I fear, however, the subsequent proposals belie these assurances.

In regard to the manner of setting up the municipality the French Government accept, it is true, the suggestion made by Sir E. Grey, as a compromise, in his note of the 23rd July, but this can hardly be regarded as a concession on their part, it is merely the acceptance of a concession made by His Majesty's Government to meet their views as far as possible.

The agreements reached by the commission, and the proposals still under their consideration, are stated to be "too summary and too hazardous." It was, however, the French delegate, acting presumably under instructions from his Government, who objected to any details being included, and to the regulations being drawn up in anything like a complete form. Moreover, the work of the commission has not been concluded, and points remain to be discussed.

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The proposals now put forward by the French Government may be summarised as follows :—

1. *Composition of the Municipal Council.*

The council to consist of thirty members (section 17), of whom one-half, *i.e.*, fifteen, are to be nominated (section 12), and the remainder elected. Of the fifteen nominated councillors, five are to be native Mussulmans and two native Jews (section 17), leaving eight to be elected by the foreign representatives jointly, with the proviso, if thought necessary, that not more than two should be of the same nationality (section 12). The remaining fifteen members of the municipal council are to be elected by three separate electoral bodies (*a*) five are to be elected by native Mussulmans; (*b*) two by native Jews; and (*c*) eight by the other residents of all nationalities jointly (sections 15 and 17).

The difficulty as to how to class protected Moorish subjects is recognised, but the simple expedient of abolishing protection is suggested as a solution (section 18).

2. *The Constitution of an Executive Body.*

A "commissaire-administrateur" is to be named by the president of the Swiss Confederation and presented to the Sultan by France, who will also notify his appointment. He is to be chosen outside Morocco, and is to be a subject of a "disinterested Power." He is apparently to be vested with wide powers; the memorandum does not state whether he is to be subject to any control, whether the appointment is to be for any specified term, or whether he is to be removable, if found unsatisfactory (sections 20, 21, 22). He is to have two or three assistants, to whom he will delegate some of his powers. These assistants are to be elected presumably by the municipal councillors, though this is not stated (section 20).

The "commissaire-administrateur" and his assistants are to form the executive body, in which all administrative powers will be centred (section 20).

3. *Composition of the Committee of Control.*

The committee is to consist of the representatives of the Powers and of the Sultan, with whom are to be joined a certain number of experts. These experts need not be given a vote except on matters on which they are specialists, but they are apparently to take part in the discussions on other subjects as well (section 24).

It will be convenient to examine these proposals separately.

1. *Composition of the Municipal Council.*

It is, I think, undesirable to increase the number of municipal councillors much beyond twenty-four, the number suggested in the French draft schemes of the 10th February and 23rd March, for, as stated in Sir R. Lister's despatch No. 27 of the 17th February, it would be difficult to find a sufficient number of residents of the necessary standing and qualifications, and the smaller the council, the greater the chance of its business being transacted with expedition and efficiency.

The composition of the council, as now proposed, would ensure an absolute French preponderance, which the suggested abolition of protection would further strengthen. It must be borne in mind that the French Government claim that all Moorish subjects are to be under the jurisdiction of the Sultan's representative and the officials appointed by him. Thus, if protection is now abolished, all the principal natives, Mussulmans and Jews, who are now independent of the Makhzen, will find themselves again in their power and obliged to court their favour. There would thus be a solid native vote by command, which will mean that the fourteen native councillors, Mussulmans, and Jews, will be practically nominees of the Sultan's representative, that is of France, and will not dare to vote except as directed. Of the sixteen remaining councillors, half are to be selected by the foreign representatives jointly, the most suitable men being selected without regard to nationality, but with the proviso that there must not be more than two of the same nationality. The French probably rely upon the large number of Frenchmen on the staffs of the Legation, Contrôle de la Dette, State Bank, and other institutions to secure two of these seats, whilst they can reckon on the large number of French electors obtaining for them a good share of the remaining eight seats subject to election. It is not stated whether there is to be any limit to the

number of elected councillors of one nationality, but even supposing that the imit is placed at two, France would probably obtain a full number, and would control eighteen votes out of the thirty, and could thus carry any measure through the council without the assistance of the Russian or other vote.

In my opinion we should adhere to the arrangement we proposed for the composition of the council, which M. Guiot told me he had been authorised to accept. In any case we cannot, I think, admit that Moorish subjects are entitled to a greater number of seats on the council than any other single nation. One of the arguments put forward for granting the Moors a large representation on the council is the movement said to exist in France, as in England, in favour of granting native races a larger measure of self-government (section 17). This argument does not appear to me to be a very happy one as experiences in Egypt, Turkey, Persia, &c., have shown that Orientals held to be considerably more advanced than the Moors in civilisation are not yet ripe for self-government. Moreover it is precisely because of the manifest unfitness of the Moors to govern their country, whoever the Sultan and whoever the Viziers, that it has been found necessary to establish a protectorate. I shall be surprised if the French put into practice in their own zone the principle they preach for Tangier. Figure heads there undoubtedly will be, under General Lyautey's wise administration, but we may be sure that no real power will be left to Moorish officials. The other argument upon which the French base their proposal for an increase in the number of Moorish councillors is that there are six times as many Moorish residents as European (section 17). If payers of the urban tax are taken as the basis, this statement is not correct; but apart from that, to be logical if the system of proportionate representation is to be adopted for the Moors it should also be adopted for other nationalities, and in that case Spain should be allotted about four times as many seats on the council as France. The adoption of such a system would lead to endless difficulties and confusion.

The proposal that the foreign representatives should jointly select the nominated members of the municipal council is the only possible one if there are not to be as many nominated members as there are representatives; it was put forward by me, as an alternative, in my memorandum of the 31st March. There are, however, serious objections: the municipal council would be in a measure less truly international, and the elections (for election it would be rather than a nomination) would give rise to considerable feeling and jealousy amongst the foreign representatives, each of whom would naturally wish to secure the election of his nominee; the elections would therefore doubtless be guided by political considerations according to the grouping of the Powers. This system would also cause dissatisfaction to those Powers, who would thereby be deprived of representation on the council officially. I do not think either that this proposal would tend to greater efficiency, for it would merely transfer four seats from the foreign representatives to the general body of electors, and the four councillors at the end of the list of those elected would not probably be more suitable than those the smaller Powers would have nominated. For these reasons, I am opposed to this system, but should it have to be adopted, I consider that it should be stipulated that all the "nominated" councillors should be of different nationalities, or at any rate that the total number of councillors of one nationality, whether "nominated" or elected, be limited to four.

In regard to the general elections, I do not share the apprehensions of the French Government as to the dangers to arise from a single electoral body, Christians, Jews, and Mussulmans voting together. To my mind, that is undoubtedly the simplest and best solution of the question. To divide the electors, as suggested, would give rise to several difficulties not easy of solution. In the first place, it will be necessary to allot a certain number of seats to each category of electors—how many are to be allotted to Mussulmans, and how many to Jews? We have started from the principle that all nations, including Moors, are to be placed upon the same footing; on this principle the greatest number of seats Moorish subjects could have, apart from the nominated councillor, would be three, say two for Mussulmans and one for Jews. Put thus to them, this would undoubtedly cause great dissatisfaction to both classes. To give them more seats, would unduly strengthen the position of France, unless indeed she unreservedly withdraws her proposals in regard to the Sultan's representative. And here I would observe, in parenthesis, that it is difficult to negotiate separately on the different points, which are really interdependent. Another difficulty would arise not only in connection with Moorish subjects under foreign protection, which, as pointed out above, cannot be settled simply by the abolition of protection, but also in connection with Mussulmans and Jews, who are foreign subjects either by birth or naturalisation. The French Government hold it indispensable to separate Christians, Jews, and

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Mussulmans. If, however, religion is to be taken as the basis for classifying the electors, with whom are Algerian, Tunisian, Egyptian, Turkish, Spanish, and other Mussulmans to vote ? with their coreligionists, or with the Christians? The same question arises as to the Jews of foreign origin and native Jews who have acquired a foreign nationality by naturalisation, of whom there are many. To divide the electorate on lines of religion appears to me undesirable as well as difficult. Our aim should be to promote complete harmony and co-operation between all the residents of Tangier of whatever nationality or religion, to endeavour to weld them, as it were, into a single body with a common interest, namely the general welfare and prosperity of the community. To divide the electorate, as proposed, would, in my opinion, tend to divide the residents into different camps, and to give rise to race animosity in a much greater degree than would the establishment of a single electoral body.

2. *The Constitution of an Executive Body.*

Whatever decision may be come to in this respect the executive should, I think, derive its powers from the municipal council, and should be as completely under the control of the foreign representatives as the council itself is in other respects. For this reason I should prefer an executive committee emanating from the municipal council and with its president at the head. The appointment of a "commissaire-administrateur" as suggested would seem to imply an official with wide and, to some extent at any rate, independent powers, which would constitute a danger. This point therefore requires very careful examination. The claim of France to present the "commissaire-administrateur" to the Sultan and to notify his appointment seems scarcely logical, and implies a special position for France in the international zone. If France claims to be the intermediary between the Powers and the Sultan at Tangier there is, as pointed out by Spain, no *raison d'être* for a representative of His Shereefian Majesty at Tangier either on the Committee of Control or as khalifa.

3. *Composition of the Committee of Control.*

I see no necessity for the appointment of experts on this committee. If, however, they are to be so appointed, they should be joined merely for purposes of giving advice and should have no vote, as otherwise the country to which they may happen to belong would have two votes on the committee.

M. Guiot, M. Padilla, and I had foreseen the necessity for the appointment of experts in public works and finance, but we proposed that they should be salaried servants of the municipality to give their advice, but not to vote. In this manner both the municipal council and the Committee of Control would have the benefit of their advice, to which they would doubtless give due weight. If it is found necessary to have expert advice in other departments suitable men could be appointed, but I am strongly of opinion that the Committee of Control should consist solely of the foreign representatives with the representative of the Sultan added, if France does not claim to represent His Majesty in the international zone.

H. E. W.

San Sebastian, September 2, 1912.

[37663] No. 88.

Mr. Rennie to Sir Edward Grey.—(Received September 7.)

No. 140.)

Sir, *Zarauz, September* 4, 1912.

SEÑOR GARCIA PRIETO being absent at Madrid in order to attend the Council of Ministers that was held in the afternoon, I was only able to speak yesterday morning with his "chef de cabinet," who communicated to his Excellency by telephone the representations I made regarding the action taken by the Spanish troops against Raisuli's men in the neighbourhood of Alcazar.

Señor Palacios, who said he was speaking unofficially, told me that the action of the Spanish troops under Colonel Sylvestre had been caused by the oppressive measures taken by Raisuli, despite his promises to the contrary, against the inhabitants of the Ahl Serif district. Colonel Sylvestre had moved against Raisuli's men in order to put a stop to their proceedings; his force had been fired upon; they had accordingly

attacked Raisuli's mehalla and routed it. The tents and animals taken had been restored to Raisuli, who had remained behind at Arzila.

In the evening the "chef de cabinet" informed me of the reply that he had received from Madrid, and which was to the effect that the Spanish Government had no intention of compelling Raisuli to resign his post as kaïd of the district in question. Their only object was to induce him to desist from exactions which were calculated to drive the inhabitants near Alcazar into rebellion against his authority. On the advice of the British and Spanish Legations, Raisuli had promised to proceed to Tangier to confer with the Spanish chargé d'affaires, and it was hoped that a satisfactory solution would be found.

I have, &c.
ERNEST RENNIE.

[37758] No. 89.

Mr. Rennie to Sir Edward Grey.—(Received September 7.)

(No. 86.)

(Telegraphic.) *Zarauz, September* 7, 1912.

FRANCO-SPANISH negotiations.

My telegram No. 83 of 1st September.

Spanish Minister for Foreign Affairs told me this morning that Spanish Government were disposed to accept in principle French proposal to fix payments to the French zone in place of lines of transit. Question of amount must still be discussed. Franco-Spanish Convention would also have to lay down definite limits of Tangier district. He understood that three delegates had come to an agreement on this point, but he would sign no convention that did not embody in detail their conclusions. If these two points were settled signature might be expected within next fortnight.

(Confidential.)

French Ambassador saw Minister for Foreign Affairs subsequently. He asked what Spanish Government were disposed to do with regard to Mogador and Mazagan incidents. Minister for Foreign Affairs replied, speaking privately, that it would be possible not to send back to his post consul at Mogador, who was now on leave. As regards consul at Mazagan he suggested that question might be submitted to arbitration. French Ambassador promised to transmit these proposals.

Minister for Foreign Affairs then referred to proposed convention. French Ambassador replied that his instructions were not to continue discussions until the Mogador and Mazagan incidents were settled. Spanish Minister for Foreign Affairs was greatly upset, saying that this implied breaking off negotiations. He finally, however, agreed to his proposals being forwarded confidentially to Paris. In these circumstances, French proposals regarding substitution of fixed payments for lines of transit were not discussed.

[37836] No. 90.

Mr. Kennard to Sir Edward Grey.—(Received September 9.)

(No. 226.)

Sir, *Tangier, August* 29, 1912.

WITH reference to my despatch No. 213 of the 10th instant, I have the honour to transmit herewith a copy of a letter which has been addressed to the doyen of the corps diplomatique here by the director of the services of the Contrôle de la Dette regarding the illegal traffic in Makhzen and Guich lands. M. Luret points out that the efforts made by the Contrôle to prevent the continuation of this traffic have proved fruitless owing to the sales which are now made "sous seing privé," or by private contract, and thus are not submitted to the authorities concerned for their approval. Further, the steps taken by the Contrôle to establish the identity of Makhzen lands, and to definitely ascertain what encroachments have taken place as reported in my despatch above mentioned, have failed owing to the obstruction of the local officials. M. Luret also draws attention to the opposition of armed guards to any inspection and the danger of collisions, which have already had fatal results.

On hearing that M. Luret was addressing this letter to the doyen, I immediately went to see him, to find out what the actual situation was. He informed me that the

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obstruction of the local authorities was entirely due to the "mauvaise volonté" of the pasha, who, as I have already reported, is personally interested in the traffic in Government lands. He then gave me the names of the principal foreign purchasers of these properties, and almost every nationality figured amongst them, including, I regret to say, certain British subjects and protégés. It is perhaps unfortunate that M. Luret should have mentioned the views of His Majesty's Legation in his letter to the doyen, but he had dispatched it before I could see him, and I fancy that my colleagues already know how strongly His Majesty's Government feels on the subject.

After consultation with M. Luret I placed on the doyen's circular transmitting his letter the annotation of which I have the honour to enclose a copy herewith. I have expressed the opinion that the legations should warn their *ressortissants* that sales by private contract are invalid and that they run the risk of being evicted from properties thus acquired; that in conniving at these transactions foreign subjects give the local authorities a pretext for divesting themselves of their duties in maintaining the rights of the Makhzen which may contribute to the resources of the future municipal organisation of Tangier. I have finally drawn the attention of my colleagues to a point which has not hitherto been raised in connection with this question, namely, the danger which may arise from the wholesale eviction of the present occupants of properties thus sold. The unfortunate tenants, who have used these lands for agricultural and grazing purposes, now see them sold over their heads by the village notables, and no doubt receive but small compensation for their loss. The land is sold at a price far below its real value to unscrupulous persons, who merely buy it for real estate speculation and building purposes. The peasants, thus evicted, quickly spend such little money as they may gain from the transaction and probably soon find themselves without any resources, it is but natural that they should become vagabonds or thieves and thus be a menace to the welfare of the district. The future municipal administration will no doubt wish to diminish expenses for the maintenance of a police force rather than increase them, especially for extra-urban purposes; but if large numbers of homeless villagers be thrown on to the roads, it is difficult to see how this is to be done.

An example of the extent to which the traffic in Makhzen lands has gone has been furnished to me in a circular addressed to the members of the Cape Spartel Lighthouse Commission by its president, enclosing a letter from the lighthouse-keepers regarding the negotiations which they state are proceeding for the purchase of land in the immediate vicinity of the lighthouse, which has been used for the last thirty years by the keepers for gardening and agricultural purposes. Cape Spartel is Makhzen property, and it is suggested that the land round the lighthouse within a radius of 1 kilom. should be reserved as grounds for the lighthouse. M. Martin, in submitting this letter to the members of the commission, states that he has approached the local authorities, but fears that this may be unavailing, and suggests that he should make strong representations on the subject. I have, in my annotation on the circular, expressed my concurrence, and suggested that urgent measures should be taken to stop such proceedings, of which we have unfortunately heard too much lately. It appears that the Marokko Mannesmann Company, whom I have already mentioned in my former despatch as one of the principal offenders, have bought all the land round Cape Spartel, and it is even stated that the German Legation have given protection to the whole village of Mediouna, where this land lies. The company have apparently not yet abandoned their armed encroachments on the property of certain British subjects and protégés, and I have had to renew my representations to my German colleague. Herr Rhomberg states that he has informed the manager of the company most emphatically that such acts of violence must immediately cease, and he informs me that a settlement of the dispute with El Menebhi and M. Abensur has been reached. I did not tell him that the probable reason for the settlement with El Menebhi was that the latter now goes out with a gun himself, and that he is not the sort of person to trifle with in any argument backed by force.

It is difficult to understand why the Mannesman Company are buying land so extensively here, more especially at Cape Spartel, which is mostly barren rock. There is a rumour that petroleum has been found there, but I am unable to confirm it, and perhaps the land will merely be used for building villas, &c., overlooking the sea.

I have not seen the annotations of my colleagues on the circular enclosing M. Luret's letter beyond that of the French chargé d'affaires, copy of which is enclosed. I have, however, spoken to my Italian colleague, who becomes doyen on the departure of the United States Minister two days hence. Signor de Pretis declares that he quite agrees with my views, and my Spanish and Dutch colleagues also have expressed their readiness

to co-operate in any steps which might be agreed to. I have told them that I am aware that British subjects are concerned in these illegal sales as well as people of almost every other nationality, including the French, but that this is not a matter in which individual interests should be considered, and that the future welfare of Tangier largely depends on the cessation of these irregular proceedings. I gather from conversation with my German colleague that he feels somewhat lukewarmly in the matter, and when I stated, in connection with the Cape Spartel matter, that I was surprised that attempts were not made to purchase the lighthouse itself, he did not greatly appreciate the observation. It is difficult to see, however, how any member of the corps diplomatique can refuse to co-operate with his colleagues in the matter of this kind, when any refusal to join in common action would lay a legation open to the suspicion of connivance in the sale.

I do not think that any representations made by the corps diplomatique to the commissioner for foreign affairs would have much effect. Sid Guebbas is far too timid to take any useful action, and the basha, a son of the Grand Vizier, and other local authorities, unless compelled to act on instructions from Rabat (see the last paragraph of my despatch No. 218 of the 16th August) will probably pay no attention to action which is not backed by an authority capable of bringing strong pressure to bear. I consider, however, that if all legations will warn their *ressortissants* of the danger of entering into irregular contracts, some good may be done. Were it not for the foreign speculator such a traffic would not exist. I propose, with your approval, and if my colleagues are willing to adopt a similar course, to instruct the acting British consul-general to place a notice in the consulate-general and the British post-office in the following terms:—

"British subjects are hereby warned against entering into private contracts with Moorish subjects as regards the sale of Makhzen and Guich lands. Such contracts are necessarily invalid, as deeds of transfer by natives must be drawn up in accordance with the requirements of Shraa."

M. Gaillard, secretary-general to the residency, who has just come to see me, agrees with me that the best course to bring pressure to bear on the local authorities here would be to cause the Grand Vizier to send strong instructions to his son, the basha, to carry out his duties in a proper manner. M. Gaillard is going to write to Count Saint-Aulaire, delegate at the residency, suggesting that this should be done.

I have, &c.
H. W. KENNARD.

P.S.—I am forwarding a copy of this despatch to His Majesty's chargé d'affaires at San Sebastian, for Mr. White's information.

H. W. K.

Enclosure in No. 90.

M. Luret to Dean of Diplomatic Body.

M. le Doyen, *Tanger, le 28 août*, 1912.

NOUS avons l'honneur d'appeler la haute attention du corps diplomatique sur les transactions immobilières irrégulières dont sont objet les terres domaniales Guich et autres des environs de Tanger.

Des protégés de différentes Puissances et des personnes de diverses nationalités ont pris possession de plusieurs milliers d'hectares sur la route du Cap Spartel et aux environs de certains villages du Fas (Médiouna, Branès, Ziaten, Boukhalf, Charf-el-Akab, Moghora-Sghira, &c.).

La plupart de ces prises de possession sont basées sur des ventes illicites faites par les djemaâ (assemblée de notables) des villages.

L'Administration du Contrôle de la Dette, avisée de ces faits par l'Amin Mostafad et le Contrôleur du Domaine a essayé, dans les limites de ses pouvoirs, de défendre les droits des porteurs de titres des emprunts et ceux du Gouvernement marocain et, à cet effet, elle a recommandé à l'Amin Mostafad de s'opposer aux ventes de biens domaniaux, mais cette mesure n'est efficace que pour les ventes passées dans la forme authentique,

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les tractations sous seing privé, d'ailleurs irrégulières en matière immobilière, échappant à cette intervention.

D'autre part, sans l'appui des autorités marocaines locales l'Amin Mostafad ne peut rien contre les prises de possession de terres domaniales et, malgré diverses demandes tant de ce fonctionnaire que du Contrôle de la Dette, il n'a pas été possible d'obtenir de ces autorités une intervention efficace.

A défaut d'autre moyen d'action, il nous avait paru utile pour sauvegarder les droits du Makhzen, de faire constater ces divers empiétements par un transport sur les lieux. Cette opération a été autorisée par le cadi, mais, renvoyée à plusieurs reprises par suite du retard apporté par les autorités marocaines à convoquer les intéressés (notables et mokaddem des villages), elle n'a pas encore pu avoir lieu.

Pendant ce temps les occupations continuent. La plupart des terres collectives (Guich) des villages de Mesnana, Branès, Ziaten, Hammar, Médiouna, Boukhalf, Charf-el-Akab, Mogohra-Sghira, y compris les monts les plus abrupts, ont été accaparés.

On se heurte partout à des gardiens, souvent armés, qui s'opposent à la libre circulation, et cette situation n'est pas sans danger, car elle est la cause de conflits violents prêts à dégénérer en rixes aux mains armées.

Nous référant à notre lettre du 23 juin, 1910, par laquelle nous avons eu l'honneur d'aviser le corps diplomatique de l'affectation spéciale à la garantie de la dette marocaine des biens immobiliers du Makhzen situés dans un rayon de 10 kilom. autour des ports ouverts au commerce, nous croyons devoir faire toutes réserves en ce qui concerne ces tractations immobilières irrégulières.

Notre démarche n'est d'ailleurs pas inspirée par le seul intérêt des porteurs de titres de l'emprunt marocain, et en ajoutant cette nouvelle précaution aux mesures déjà prises, nous avons cru correspondre aux préoccupations qui nous ont été manifestées par M. le chargé d'affaires d'Angleterre au point de vue de la répercussion que ces tractations immobilières peuvent avoir sur les ressources de la future organisation de Tanger.

Veuillez, &c.
(Pour les Délégués au Contrôle de la Dette),
E. LURET.

Annotation of French Chargé d'Affaires.

Je suis d'accord avec le Contrôle de la Dette pour estimer qu'il faut empêcher a prolongation de l'état de choses actuel et mettre fin aux usurpations signalées. Il me semble que le corps diplomatique pourrait prier le représentant du Sultan d'inviter les autorités chérifiennes à prêter leur concours plus efficacement, dans les mesures conservatoires préconisées par M. Luret.

MARTIN.

Annotation of His Majesty's Chargé d'Affaires.

D'accord avec notre honorable collègue de France. Il me semble que le corps diplomatique devrait intervenir auprès des autorités pour empêcher la passation de ces actes irréguliers et les prises de possession arbitraires de ces terrains Makhzen. Les légations devraient aussi, en mon opinion, avertir leurs ressortissants que les actes de vente sous seing privé n'ont aucune valeur et qu'ils s'exposent à se voir évincés des parcelles ainsi irrégulièrement acquises. En se prêtant ces aliénations de terres Makhzen et Guich les ressortissants des Puissances donnent le prétexte aux autorités marocaines de se désintéresser de la sauvegarde des droits du Makhzen qui peuvent contribuer aux ressources de la future organisation municipale de Tanger. D'autre part, les aliénations de terre Guich risquent de priver certains villages des terres de culture et de pâturage qui sont nécessaires à la subsistance de leurs habitants. Ce dernier point de vue intéresse la sécurité de la zone de Tanger, car en supprimant les terres des collectivités on peut livrer au vagabondage leurs anciens possesseurs.

H. W. KENNARD.

No. 90 A.

[37837]

Mr. Kennard to Sir Edward Grey.—(*Received September* 9.)

(No. 227.) *Tangier, August* 30, 1912.

Sir,

IN view of the fact that General Lyautey is now at Rabat and that he is not likely to return to Fez in the immediate future, I fear that it will not be possible at present to carry out the instructions contained in your despatch No. 94 of the 26th ultimo regarding the purchase of land in the Shawia.

I have, however, taken advantage of the presence in Tangier of M. Gaillard, secretary-general to the residency, to speak to him on the subject. M. Gaillard has always been a good friend to this legation and can be trusted to act with discretion in the matter.

On my representing to him the obstacles which British subjects encounter in purchasing land in the Shawia owing to the difficulties raised by the "bureaux arabes," he told me that the resident-general had heard of this question and was determined to take measures to prevent any undue preference being shown to certain individuals and to ensure that all would-be purchasers of land, irrespective of their nationality, should have an equal opportunity of doing so.

M. Gaillard tells me that he will write to Count Saint-Aulaire, delegate to the residency, suggesting that a circular should be sent to all the officers of the "bureaux arabes," giving them instructions in this sense.

I am sending a copy of this despatch to the acting British consul at Casablanca, and I trust that you will approve my approaching M. Gaillard on the subject under the circumstances.

I have, &c.
W. H. KENNARD.

[37839] No. 91.

Mr. Kennard to Sir Edward Grey.—(*Received September* 9.)

(No. 230.)
Sir, *Tangier, August* 30, 1912.

WITH reference to my despatch No. 222 of the 23rd instant, I have the honour to report that, on the proclamation of Mulai Yusef as Sultan, His Majesty's consul at Fez requested instructions as to what he should do, as doyen of the consular body, to congratulate the Sultan on his accession. I instructed him to consult the French and Makhzen authorities and his colleagues, and take action accordingly. He has since informed me that his colleagues are awaiting instructions from their legations, and as he considers any further delay may cause an unsatisfactory impression at Fez, I therefore enquired of my German and Spanish colleagues what instructions they proposed to give to their consular officers at Fez, and gathered that they were sending no instructions at all, probably more especially in the case of Señor López Roberts, because they disapproved of the manner in which the proclamation of the new Sultan had been made. As M. Gaillard, the secretary-general of the residency, paid me a visit this morning, I asked him whether he thought that the French authorities desired that the consular body at Fez should take any action to acknowledge the accession of Yusef. M. Gaillard said that he thought it unnecessary that they should do anything beyond perhaps paying a visit of personal congratulation to the Governor of Fez. I have therefore instructed Mr. MacLeod to act accordingly. In any case, it is not usual for a consular officer to convey any congratulations to a Sovereign, and it would seem more correct that the Sultan, should he desire to receive the consular body, should take the initiative by inviting them to an audience.

The Italian chargé d'affaires, who becomes doyen of the corps diplomatique next week, on the departure of the United States Minister, has asked me what attitude I thought the corps diplomatique should adopt to Mulai Hafid on his arrival here, which it is reported will take place in a few days. I told him that I considered that Hafid should be treated merely as a private person, and that in any case we had an excellent precedent in the case of Mulai Abdel Aziz. Certain of my colleagues, more especially the German, Spanish, and Italian chargé d'affaires, have shown some inclination to treat the accession of Mulai Yusef as irregular, and therefore as unacknowledged. Though the circumstances of His Majesty's proclamation were peculiar, it has been accepted in all the large cities except at Marrakesh, and there seems no doubt that he is now the legitimate Sultan; but I fancy that my colleagues in question are not particularly anxious to take any action which may facilitate the task of the French authorities in this country.

It is believed that Mulai Hafid will arrive at Tangier next week from France, and certain people have expressed some apprehension as to the consequences of the presence of the ex-Sultan in Tangier. There is said to be a considerable amount of feeling against him amongst the natives, which has been accentuated by his behaviour in France, where he is considered to have acted in a manner unworthy of an ex-Sultan and a true Moslem. It seems impolitic of the French authorities to allow Hafid to thus degrade himself in the eyes of his people, though a French official recently told me that he thought it as well that the ex-Sultan should "s'encanailler" as much as possible, and so lose any vestige of prestige here in view of his hostility to the French, which seems to have undergone so great a change since his arrival at Marseilles.

I have, &c.
H. W. KENNARD.

[37840] No. 92.

Mr. Kennard to Sir Edward Grey.—(*Received September* 9.)

(No. 231.)
Sir, *Tangier, August* 31, 1912.

WITH reference to my telegram No. 95 of to-day's date, I have the honour to transmit herewith translation of a letter which has been addressed to Sid-el-Menebhi by Kaïd Raisuli, and which the former brought to this legation this morning. You will observe that Raisuli states that his mehallah was unexpectedly attacked by Spanish troops in Ahl Serif yesterday and routed with some loss. Raisuli enclosed a letter to

the Commissioner for Foreign Affairs submitting his resignation as governor, and intimated his intention of leaving Arzila and returning to his own tribes in the mountains to the east of that town. This information is confirmed by a letter received from the British consular agent at Alcazar to-day, who reports that Colonel Silvestre started with a column early yesterday morning and, surprising Raisuli's mehallah, scattered it and took possession of its camp. A telephone message received by Menebhi from Raisuli this morning states that 900 Spanish troops have entered Arzila, and that a collision with his men may be expected at any moment.

I immediately went to see the Spanish chargé d'affaires, who had received no news on this subject, and informed him privately of the contents of Raisuli's letter. I warned him of the danger of losing the only Makhzen official who had any authority in this part of Morocco, and urged him to take immediate steps to prevent Raisuli taking any extreme measures which might be of the utmost gravity for the preservation of law and order not only in the Spanish zone, but also here. I suggested to Señor Lopez Roberts that the transmission of Raisuli's letter of resignation to Sid Guebbas might be postponed for the moment, and that in the meantime the Spanish Legation should endeavour to persuade Raisuli to come here and talk over the situation.

Señor Lopez Roberts was unable to furnish any explanation for Colonel Silvestre's action, but agreed with me that under existing circumstances it would be most unfortunate if Raisuli were to resign and return to the mountains. He stated that he would telegraph immediately to his Government and to Colonel Silvestre suggesting that no further act of aggression should take place, and that pourparlers should be opened with Raisuli. He further begged that the latter's letter should be withheld for a day or two until it could be ascertained whether some satisfactory solution of the question could not be reached.

I have therefore requested Sid-el-Menebhi not to transmit Raisuli's letter to Sid Guebbas for the moment, and to send some reassuring message to the kaïd. In the meantime I have suggested to you, Sir, that the Spanish Government should be urged to take immediate measures to prevent Raisuli taking any hasty steps which might be of gravest portent for the security of the neighbourhood of Tangier.

I am at a loss to understand the meaning of this sudden attack by Spanish troops on Raisuli's forces. As reported in my despatch, No. 221 of the 24th instant, a certain number of Spanish police had entered Aazila apparently with the consent of Raisuli, and no incident of any kind had arisen. It is suggested that the Spanish military authorities wishing to break Raisuli's power, and to have a pretext for taking effective possession of their zone, have adopted tactics, which, though no details are as yet known, savour of bad faith and even treachery. Raisuli's operations against the Ahl Serif, which have been recorded in previous despatches, have apparently not been very successful, and it was supposed that the Spanish military authorities were giving him some support to bring the rebellious tribe to submission. The news brought by Manebbi this morning is therefore, to say the least of it, surprising, more especially as the Spanish zone has hitherto been favourably compared with the French zone owing to the lack of serious disturbances there.

Should Raisuli persist in his intention of resigning or should there be any serious collision between his men and the Spanish troops at Arzila, one cannot help feeling that a period of anarchy might ensue not only in the Spanish zone, but also in the Tangier district. It is even possible that Raisuli, if he should return in his mountain home, might revert to his tactics of 1906 and 1907 and endanger the safety of Europeans in the outlying parts of the neighbourhood of this town.

It is for these reasons that I would suggest that it might be well for this feature of the situation to be brought to the notice of the Spanish Government which may, carried away by the military party, embark on an adventurous policy which, more especially in view of the serious state of affairs in the rest of Morocco, may prove a menace to foreign lives and property.

I have, &c.
H. W. KENNARD.

P.S. *September* 1, 1912.—I have now received from the British consular agent at Alcazar the Spanish version of the incident which he has obtained from Colonel Silvestre. The latter states that he went to meet the commander of Raisuli Mehallah at Gulad Ali in order to instruct him to remove his men as Raisuli had promised to do so. When the native police accompanying Colonel Silvestre's force approached the mehallah fire was opened upon them and two of the police were killed and some

wounded. In view of this cowardly act Colonel Silvestre ordered his native troops to attack mehallah, who thereupon fled. Four of Raisuli's men were killed and several were wounded, and the whole of the mehallah's camp was captured. Colonel Silvestre states that the Spanish troops took no part in the affair. The Spanish chargé d'affaires has received news confirming this version, but admits that the incident is most unfortunate. I pointed out to Señor Lopez Roberts that, as he had asked me to advise Menebhi to withhold Raisuli's letter of resignation for the present, it was essential that the Spanish authorities should at once take steps to justify such a request, and attempt to come to terms with the kaïd. He stated that he thought that it would be better to come to a definite understanding with Raisuli as to their future relations, as otherwise there would be continual trouble; that Raisuli should be assured that he should always retain his palace at Arzila and his property there, but that he should be given to understand that he could not conduct operations against the tribes without the approval of the Spanish authorities. I told Señor Lopez Roberts that I thought this should be an excellent arrangement, and that I hoped that the Spanish Government would agree to such a course.

It is evident, from the fact that Raisuli did not send in his resignation direct to Sid Guebbas but through Menebhi, that he is wavering before resorting to so extreme a measure.

H. W. K.

Enclosure in No. 92.

Kaïd Raisuli to Sid-el-Menebhi.

(Translation.)
(After compliments.)

YOU have heard of the disorders in the Ahl Serif. I sent what forces I had at my disposal, composed of my own men, Makhaznis, and some of the mountain tribes, who pressed them severely, so that they came back to my authority, and their case was being discussed. They said that they had been incited to take the action they did, and that it was not done intentionally [*sic*].

When the Spanish commander at Alcazar heard this he began again to conspire with the conspirators, and collected his troops this morning at daybreak and attacked my forces in the Ahl Serif unexpectedly with artillery, &c., and my men and the tribesmen suffered considerable losses. Their tents with all they contained were captured, but I have as yet no details of the number of killed. Would that my force had had knowledge of what was about to happen, and that they had had my authorisation to defend themselves! They would have done what they could. But this was decreed.

I inform you of what has happened so that you may inform the proper quarters, and especially the British Legation, because I have resigned my post from this moment, and they should know it in case any disorders may occur for which from to-day I am not responsible.

I enclose my resignation for Sid Guebbas. Please get his answer at once and send it to me by this courier.

I had intended to come to Tangier, as I have lost a great amount in this catastrophe, but I delay, as I am moving my family and effects to the country of my ancestors. I cannot bear to stay here an hour longer, and I would not remain one night if my family had left. When I have seen to that I will come in to bid you farewell.

Do not ask after my present state. The matter was decreed.

HAMED-EL-RAISULI.

17*th Ramadan*, 1330 (*August* 30, 1912).

[37841] No. 93.

Mr. Kennard to Sir Edward Grey.—(*Received September* 9.)

(No. 232.)
Sir, *Tangier, August* 31, 1912.

WITH reference to my despatch No. 223 of the 24th instant, I have the honour to inform you that it is almost impossible to obtain any accurate information at present

as to the movements of El Hiba or the fate of the unfortunate French officials who have fallen into his hands. The French Legation here are unable or unwilling, probably the former, to furnish any details, and one is therefore dependent on news from native sources, which are invariably untrustworthy. It now appears that there are five other prisoners besides those I mentioned in my despatch above referred to, namely, a French military doctor and four Algerian non-commissioned officers, who were attached to the police tabor at Marrakesh. El Glawi has evidently been unable to continue the protection which he gave to them, and has been compelled to hand them over to the Pretender's men, though it is not known whether any conditions were attached to their delivery into the hands of El Hiba.

The French troops stationed on the river Um-er-Rebia have already been in collision with the Pretender's forces, which would seem to indicate that he proposes to continue his march northward, and Colonel Mangin's column has succeeded in beating off an attack in the Rahmna district and severely defeating the enemy. Nothing further is known as to any negotiations which may be proceeding for the delivery of the French prisoners or as to the dispatch of a military expedition for their rescue.

I had a long conversation two days ago with M. Gaillard, secretary-general of the residency, who is here on his way to France on a leave of absence of some months. M. Gaillard has been desperately ill, and consequently has not been much in touch with the events of the last three weeks; he was, however, able to give me some interesting information on the situation. It appears that M. Maigret, the French vice-consul at Marrakesh, received urgent instructions from the resident-general to leave the city before it was too late, but that he would not obey them. He is said to be very nervous and incapable of taking any quick decision, and has thus placed the French authorities in the awkward situation in which they now find themselves. M. Gaillard thinks that General Lyautey will not await the result of the pourparlers with the Pretender for the delivery of the prisoners, but will at once organise a military expedition of sufficient strength, some 10,000 men, to oppose El Hiba and reach Marrakesh. It would be too humiliating to make terms with the Pretender and delay the decisive action necessary to restore French prestige in the south. The lives of the prisoners may be thereby endangered, but if necessary they must be sacrificed to the more important requirements of the situation. On my enquiring of M. Gaillard his opinion of the general outlook, he stated that it was undoubtedly very bad. While the position of the French to the north of Fez was fairly good, the country to the south of the capital was in a state of ferment, where it was not in open revolt. The Meharist forces which El Hiba had brought with him from Mauritania were not of much account, and being accustomed to fighting in the desert would probably be unable to adapt themselves to the tactics of Morocco proper. On the other hand, his army had been swelled by the tribes in the vicinity of Marrakesh. The power of the Glawa had disappeared, and M'tougi had no doubt taken advantage of the situation to crush his rivals. El Hiba was now sending out his khalifas in all directions, more especially to the Tadla regions between Marrakesh and Fez, and unless the French troops could decisively defeat them there was the danger of all the tribes there going over to him. M. Gaillard entertained no fear for the safety of the coast towns, and stated that arrangements had been made to send detachments to Saffi and Mogador, and to hold troops in readiness at Casa Blanca to send immediately to any port which might be threatened. I spoke to M. Gaillard about the position of Sid Aissa ben Omar, the kaïd of Abda, and he confirmed what M. Martin had said to me, as recorded in my despatch above referred to. General Lyautey had, however, made up his mind not to tolerate any further disobedience to instructions, and had given orders for Sid Aissa to be restored to his full power.

An incident calculated to still further embitter Franco-Spanish relations has arisen at Mogador, where it is said that the Spanish consul is openly espousing the cause of El Hiba. My French colleague informs me that his Government intend to insist on the removal of Señor Sostoa and of the Spanish vice-consul at Mazagan (see my despatch No. 211 of the 10th instant). The Spanish chargé d'affaires, of course, states that both gentlemen have been perfectly correct in their behaviour, and that the secretary dispatched to enquire into the Mazagan incident has found that Señor Villareal's conduct left nothing to be desired.

A letter received from Marrakesh at Saffi from Mr. Assor, the only British subject remaining in the city, and dated the 18th instant, states that the British vice-consulate, post-office, and Messrs. Fernau's premises, which were all under the same roof, were completely destroyed, and that the other European stores were demolished, with the exception of the German fondak, which was strongly defended. M. Gaillard informed

[38042] No. 93 A.

Mr. Kennard to Sir Edward Grey.—(*Received September* 9.)

(No. 99.)
(Telegraphic.) R. *Tangier, September* 9, 1912.

MY despatch No. 232 of 31st August.

French chargé d'affaires informs me that Mangin's column entered Morocco city on 7th September, and that French prisoners who had been protected by kaïds have been rescued.

Pretender is in flight towards the south.

me that probably a commission would be formed at some later date to enquire into the foreign claims for compensation. Mr. Broome, the British acting vice-consul at Marrakesh, has returned to Casa Blanca to resume his duties as British vice-consul there, bringing with him all the archives of the vice-consulate. I have instructed the British acting-consul at Casa Blanca to convey to Mr. Broome an expression of appreciation for the tactful manner in which he carried out his duties at Marrakesh at so critical a period.

I regret to say that the news which reaches me from other parts of Morocco is by no means good. Cases of pillage and robbery are reported up to the gates of Fez; the French posts near the capital and Mequinez are constantly attacked, and the tribes are gathering in their harvest quickly and taking them to the mountains, which is significant. It is further stated that El Hiba is already in communication with the Fishtala Pretender, and the general situation could hardly be worse, more especially as the Spanish zone is now disturbed, as reported in another despatch of even date. It is to be hoped that the French Government intend to make a determined effort to grapple with the task which lies before them. The only authority which the tribes in this country recognise is that of armed force, and it is necessary for General Lyautey to show that he has this force and sufficient of it to crush resistance throughout the country.

I have, &c.
H. W. KENNARD.

[38069] No. 94.

Mr. Kennard to Sir Edward Grey.—(*Received September* 10.)

(No. 236.)
Sir, *Tangier, September* 3, 1912.

ON the receipt of your despatch No. 40 of yesterday's date, respecting the proposed modification in the adjudication for the Casa Blanca port works, I requested M. Porché to define his position in regard to M. Delure, the newly appointed director-general of public works for the protectorate. M. Porché stated that this was a complicated question, and one which had not yet been definitely settled. He expressed, however, the opinion *sous réserves* that the following represented their relative positions:—

M. Porché still retains the office, which he has occupied since 1909, as "conseiller technique" to the Makhzen. As such he elaborates the schemes of the Makhzen for public works and submits them to their approval. Under the French protectorate M. Delure approves these schemes in the name of the Makhzen, and fulfils the duties in this respect which were formerly carried out by the Grand Vizier. M. Delure, after approving the projects, returns them to M. Porché, who presents them to the "Commission générale des Adjudications," as has always been the case in the past.

As regards works which are executed from the "Caisse spéciale," M. Porché continues as "ingénieur en chef," nominated by the corps diplomatique in 1907 under article 66 of the Act of Algeciras.

The "Comité spécial des Travaux publics," which is only concerned with the administration of the "Caisse spéciale," has not only the powers possessed by the "Commission générale" as regards adjudications, but can, as "délégué" of the corps diplomatique and of the Makhzen, draw up the programme for the application of the funds of the "Caisse spéciale," approve the projects to be carried out from the funds of the "caisse," and decide on the adjudications for such projects. M. Delure would only intervene in such cases as representative of the Makhzen in the French zone, and under the same circumstances as the Makhzen has formerly intervened.

M. Porché stated that this was, of course, his personal opinion, and he possibly wishes to represent his present position in as favourable a light as possible. On my consulting the French chargé d'affaires on the subject, M. Martin stated that he thought that M. Porché occupied the same position *vis-à-vis* M. Delure as he (M. Martin) did in regard to the resident-general; but he was not prepared to express a definite opinion on the subject. The present organisation of the civil administration of the protectorate is still in an embryo state, as I pointed out in my despatch No. 229 of the 30th ultimo.

The adjudication for 3,300,000 fr. for which the "cahier des charges" should have been ready on the 1st September, should have been carried out from the funds of the of the "Caisse spéciale," but in view of the fact that it is proposed to enlarge the scheme to one of 40,000,000 fr., which could not possibly be provided by the "caisse,"

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it will be necessary to negotiate a loan, presumably under the auspices of the French Government, and therefore transfer the adjudication from the decision of the "Comité spécial des Travaux publics" to that of the "Commission générale des Adjudications." This will equally ensure the project being adjudicated in a proper manner, as it would have been in the former case, and will in no way remove the scheme from the control of the Public Works Department.

I pointed out to M. Porché that I could not reconcile his definition of M. Delure's position to the attitude which the latter had apparently taken up in the present adjudication of the Casa Blanca works. M. Porché replied that the proposed modifications were rather due to the decision of the commission of experts which had lately visited the ports (see Sir R. Lister's despatch No. 136 of the 9th June) than to the initiative of M. Delure.

On my enquiring when a decision was likely to be reached regarding the new proposal, M. Porché stated that M. Delure was now discussing its financial features at Rabat, but that at the present moment General Lyautey was so much occupied with the situation at Marrakesh that he could hardly be expected to give much attention to other matters. I represented the serious consequences of further delay, in view of the insistent attitude of merchants at Casa Blanca and contractors in Europe, and the unfortunate impression which the delay and confusion in the past had created. M. Porché promised that he would urge M. Delure to expedite matters, and suggested that if he were unable to arrive at some decision in regard to the financial question within the next ten days, His Majesty's Government should make serious representations on the subject. As regards the "cahier des charges," he assured me that all could be ready within a month's time, and repeated his arguments in favour of the enlarged adjudication. He further pointed out that the 3,300,000 fr. which would have been taken from the "Caisse spéciale" for the original scheme, could now be devoted to the requirements of other ports such Saffi.

I regret that I should have apparently conveyed a somewhat erroneous impression in my despatch No. 228 of the 30th ultimo, regarding the respective positions of M. Delure and M. Porché, but the fact remains that the former is responsible for the present situation and the delay resulting therefrom. Representations to M. Porché, who himself is by no means sure how he actually stands in the matter, carry little weight, and the actual difficulties are due to the indecision of the authorities at Rabat.

My only fear, which M. Porché also voices, is that it may be found impossible to negotiate the requisite loan for the enlarged project, and that the original scheme may have to be reverted to with a delay of some months.

I have, &c.
H. W. KENNARD.

P.S.—Copy of this despatch has been sent to His Majesty's Ambassador at Paris.
H. W. K.

[38071] No. 95.

Mr. Rennie to Sir Edward Grey.—(*Received September* 10.)

(No. 141. Confidential.)
Sir, *Zarauz, September* 6, 1912.

WHEN I saw Señor Garcia Prieto this morning, his Excellency appeared to be hopeful that the signature of the Franco-Spanish convention might take place shortly. Indeed, he had the previous afternoon told the representatives of the press that the convention would probably be concluded on the 18th or 20th instant. He said that the Spanish Government were ready to accept in principle the French proposal that, in lieu of the lines of transit, fixed payments should be made by the custom-houses in the Spanish sphere for the benefit of the French zone. They could not accept the sum mentioned in the French proposal, viz., 500,000 fr. yearly, and this would still have to be discussed, but he seemed to anticipate no special difficulty in reaching a solution.

The convention, he also said, must contain a clause definitely laying down the limits of the Tangier district. The French, Spanish, and British delegates had, he understood, practically agreed what these limits should be, but he could not sign any agreement which did not embody in detail their conclusions. After this point had been included in the convention, and the amount due to the customs of the French sphere had been settled, there seemed no reason why the agreement should not be concluded.

The French Ambassador later in the morning saw his Excellency, and was good enough subsequently to give me an account of his interview. M. Geoffray told me that he had opened the conversation by enquiring what the Spanish Government were prepared to do with regard to the Mogador and Mazagan incidents. Señor Garcia Prieto put forward, as his private suggestion, that it might be possible not to send back to his post the Spanish consul at Mogador, who was at present at home on leave. As regards the consul at Mazagan, he suggested that the question of his responsibility in the incident complained of might be referred to some kind of arbitration. M. Geoffray said he would transmit these proposals to Paris.

Señor Garcia Prieto had then proceeded to refer to the convention, but the French Ambassador interrupted him, saying that his instructions were that he was not to continue the conversations until the Mogador and Mazagan incidents had been settled. This seems to have come as a very unexpected and painful surprise to the Minister of State; he began to talk excitedly, and said that, in view of this threatening language, he must withdraw his suggestions, and now must consider the negotiations as suspended. M. Geoffray, however, succeeded in allaying his excitement, and he ultimately agreed to his suggestions being submitted confidentially to the French Foreign Office.

In these circumstances, no progress was made with regard to the points of the convention that are still at issue.

M. Geoffray told me that a few hours after he had sent in the French offer to abandon the lines of transit, immediately on his return to San Sebastian from Paris, he had received a telegram instructing him to defer making this offer until the Mogador and Mazagan incidents had been satisfactorily settled. He had replied it was too late, and that he had already made the proposal, considering that the instructions he had received before leaving Paris justified him in doing so. He had then received a telegram directing him to refuse to continue the conversations until satisfaction had been obtained.

I have, &c.
ERNEST RENNIE.

[38174] No. 96.

Mr. Rennie to Sir Edward Grey.—(*Received September* 10.)

(No. 87.)
(Telegraphic.) R. *Zarauz, September* 9, 1912.

MY immediately preceding telegram of 7th September: Franco-Spanish negotiations.

French Ambassador yesterday informed Minister for Foreign Affairs that French Government would agree to his proposals regarding consuls at Mogador and Mazagan. Spanish Government were also asked to instruct their consular representatives in Morocco to co-operate with French authorities.

Minister for Foreign Affairs replied to-day that he would direct Spanish representatives accordingly, and asked that French agents should receive similar instructions. He also informed press that instructions to co-operate cordially have been sent by both countries to their respective agents.

French Ambassador considers answer of Minister for Foreign Affairs satisfactory, and, in telegraphing it to Paris, has asked for instructions with a view to continuing conversations regarding points of convention still remaining open.

(Sent to Paris.)

[37836] No. 97.

Minute by Mr. White respecting Purchase of Makhzen Lands in Morocco.

ARTICLE 11 of the Madrid Convention, 1880, provides that "the purchase of real property must take place with the previous consent of the Government, and the title of such property shall be subject to the forms prescribed by the laws of the country. Any question that may arise concerning this right shall be decided according to the same laws." The Moorish authorities throughout Morocco, except at Tangier, almost invariably refused to sanction sales of real property even when the vendor's title

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was undoubtedly good. It therefore became necessary to effect such purchases either in the name of some Moor or else *sous seing privé*, the signature being attested at the consulates of the persons interested. This expedient was occasionally adopted also at Tangier in cases where the authorities refused to allow the execution of documents in due form.

A sale *sous seing privé* does not, in my opinion, constitute a valid title except as against the vendor. A vendor cannot transfer by such deed a better title than he himself possessed. The title of the Moorish Government to Makhzen lands is not therefore invalidated by such sales. The position, however, is different in cases in which the sales are effected in due form—the Makhzen, having once authorised the sale through its accredited agent, would be debarred from subsequently laying claim to the land. Since the date of the Madrid Convention it has been customary to record in the deed of conveyance the fact that the consent of Makhzen to the sale has been given.

Article 60 of the Act of Algeciras was framed with a view to facilitating the sale of real property to foreigners. It provided that the authorisation to execute deeds of transfer should not be refused without good cause; that, as regards lands situated near the open ports, the consent required by article 11 of the Madrid Convention need not be obtained specifically in respect to each purchase, but that the kadi shall satisfy himself that there is a good title in conformity with Moorish law. The procedure now in force for sales of real property is as follows: The title-deeds are submitted to the kadi, who communicates with (1) the basha, (2) the Amin-el-Mostafad, or administrator of Government properties, and (3) the nadirs, or administrators of mosque lands; he he cannot authorise the notaries public to draw up the deed of transfer until favourable replies have been received from all three officials. All Makhzen lands within the 10-kilometre radius were assigned as security for the 1910 loan, and are administered by the Contrôle de la Dette. The Amin-el-Mostafad is entirely under the direction of the Contrôle, and cannot signify his consent to any sale of land without their authority. The Contrôle have it therefore in their power to prevent the sales of Makhzen lands if they would fearlessly and conscientiously discharge their duties. In justice to them it must, however, be added that they have very great difficulties to contend with. The register of Government lands which they received from the German bondholders is both incorrect and incomplete; it includes many properties which are undoubtedly freeholds of private individuals, and omits all mention of other properties which do, in fact, belong to the Makhzen. The Contrôle have for some time been endeavouring to complete and correct this register, but have met with obstacles at every turn; the local authorities have opposed a passive resistance, being naturally unwilling to close a source of considerable gain to themselves, whilst, on the other hand, some legations—their own legation and the German at their head—have supported their nationals in obtaining possession of such lands, or at any rate have been very lukewarm in taking action.

When the purchase of Makhzen lands has been effected in due form, and the purchaser has obtained regular title-deeds, drawn up in due form by notaries public, and attested by the kadi, it would, I think, be very difficult to invalidate the title unless fraud can be proved. When, however, Makhzen lands have been purchased merely *sous seing privé*, I am of opinion that the title of the Makhzen cannot be held to be in any way affected thereby, and that any court of law administering justice impartially would make an order to enforce the Makhzen's claim to enter into possession. Unfortunately, it is not the habit of some of the consular courts to administer justice impartially.

As regards the future, it appears to me that the remedy is in the hands of the French if they really choose to apply it. The principal offender is the Pasha of Tangier, a worthless creature with nothing to recommend him, who merely holds the post because he is the son of the Grand Vizier El Mokri. The French Government should insist on stringent orders being sent to the basha on the subject—they might even declare that he will be held personally responsible for the full value of all Makhzen lands sold fraudulently with his connivance. On the other hand, the French Legation should be made to show more firmness as regards their nationals who are, it seems, the worst offenders in this respect, and if it is a fact, as they allege, that they do not possess the means of dealing with such cases, the Government should take steps to provide them with the required powers by passing the necessary legislation. If the Makhzen and the French Legation would themselves set a good example, instead of being the worst offenders, the Contrôle de la Dette could show more firmness in opposing fraudulent sales to persons of other nationalities.

With regard to the notice Mr. Kennard proposes to exhibit at the consulate, I should prefer the following wording:—

"British subjects are hereby warned that before purchasing land from Moorish subjects, they should be careful to satisfy themselves as to the validity of the vendor's title, as lands belonging to the Makhzen are being fraudulently offered for sale. All purchases of land should be effected in accordance with the requirements of the Shraa in order to obtain a good title."

Fraudulent sales of Makhzen land could be annulled by a decision of the kadi in an action brought by the Makhzen, and the British consular court could give effect to such decision. It is not the same, however, in the case of the French and some of the other consular courts, in which it has been found impossible to obtain justice where land has been improperly seized. The French Legation state that they do not possess the necessary powers to compel a Frenchman to attend the kadi's court and to give effect to the decision of that court by evicting the offending Frenchman—in any case the Frenchman can always find some loophole by which to escape. In these circumstances they would doubtless applaud our evicting British subjects, but they would not follow our good example—and it is the same in the case of some of other foreign courts.

H. E. W.

September 11, 1912.

[38417]

No. 98.

Mr. Rennie to Sir Edward Grey.—(*Received September* 12.)

(No. 88.)
(Telegraphic.)

San Sebastian, September 11, 1912.

MY immediately preceding telegram of 9th September: Franco-Spanish negotiations.

French Ambassador has not received instructions to renew conversations. French Government seem disinclined to send to their agents instructions to co-operate similar to those sent by the Spanish Government to their consuls, apparently on the ground that the responsibility for the late incidents lies with the Spanish officials, and that an announcement that similar instructions had been sent to the French agents would imply that the latter were also to blame.

(Confidential.)

French Ambassador seems at a loss to understand the motives for the present attitude of his Government.

(Repeated to Paris.)

[38423]

No. 99.

Mr. Kennard to Sir Edward Grey.—(*Received September* 12.)

(No. 102.)
(Telegraphic.) R.

Tangier, September 12, 1912.

TANGIER public works.

Project for road construction at Tangier which has been approved by the special committee will be submitted to the corps diplomatique on 14th September. Adjudication will be one of 3,000,000 fr., of which 800,000 fr. will be devoted to the drive on the sea front and 600,000 fr. to a boulevard. Neither of these roads will be of public utility, but will only benefit certain real estate speculators; other roads proposed under project needed. Other objectionable feature is intention to contract loan on the Caisse de la Dette spéciale for works.

As neither president nor engineer of Public Works Committee here can in any way justify two large items, and latter is ready to reduce project to one of 1,000,000 fr., omitting one and greatly reducing the other, I propose, with your approval, to protest on meeting of 14th September against acceptance of scheme as it now stands.

I further hear that project for waterworks reported in White's despatch No. 60 is to be submitted in ten days' time. As in your telegram No. 17 of 1st April you stated that this project should be reserved for the municipality, I propose, unless otherwise instructed, to request postponement.

[38423] No. 100.

Sir Edward Grey to Mr. Kennard.

(No. 42.)
(Telegraphic.) R. *Foreign Office, September* 12, 1912.

YOUR telegram No. 102 of to-day: Tangier works.

I agree with your views. You should protest against the acceptance of the present road scheme, and endeavour to secure the omission of the two large items. As regards waterworks, &c., I adhere to the view expressed in my note to the French Ambassador of 10th May, and you should request postponement as you suggest.

[38601] No. 101.

Mr. Kennard to Sir Edward Grey.—(Received September 14.)

(No. 238.)
Sir, *Tangier, September* 6, 1912.

WITH reference to my despatch No. 226 of the 29th ultimo, I have the honour to transmit herewith copy of the proposals made by the doyen of the corps diplomatique in circularising the "deuxième tournée" of the correspondence relating to the illegal sale of Makhzen lands. The American chargé d'affaires in his annotation rather lays himself open to the suspicion that his legation has supported cases of this kind in the past, and my colleagues in their annotations have ignored it and merely approved the proposals of Signor de Pretis without comment.

As the suggestions of His Majesty's Legation have now been agreed to by the whole corps diplomatique, I propose, with your approval, to put up the notice suggested in my despatch above referred to.

It is to be hoped that this measure, together with the steps taken by the "Contrôle de la Dette" and the instructions which I trust will be sent from Rabat to the local authorities at the instance of M. Gaillard and M. Revel, will have the desired effect in putting a stop to any future traffic in Makhzen lands, at any rate.

I have, &c.
H. W. KENNARD.

Enclosure in No. 101.

Proposals by Doyen of Corps diplomatique.

Deuxième Tournée pour porter à la connaissance de tous les Collègues l'Annotation de Mr. Kennard.

A MON avis, la meilleure solution serait celle proposée par M. le chargé d'affaires de la Grande-Bretagne, c'est-à-dire de faire des démarches auprès du Makhzen et de prévenir en même temps nos ressortissants au moyen d'affiches dans nos consulats respectifs que les ventes de terrain sous seing privé n'ont aucune valeur et qu'ils s'exposent, en faisant des achats de terrain sous cette forme, à se voir évincer des parcelles ainsi irrégulièrement acquises.

A. DE PRETIS.

Annotation of American Chargé d'Affaires.

Pour mettre réellement fin aux abus signalés, il me semble que les étrangers pratiquant l'achat des terres Makhzen sous seing privé devraient supporter une plus grande responsabilité que celle de porter à leur connaissance par une affiche que ces ventes sont illégales—fait bien connu d'eux. Si les autres légations adopterait une pareille mesure, cette légation proposerait de ne pas recevoir et de ne pas appuyer les cas d'achat des terres Makhzen par contrat sous seing privé, et les nationaux américains seront informés à cet effet. Ceci pourrait enlever la tentation aux indigènes d'essayer de vendre des terres Makhzen, et les protégerait davantage contre les conséquences d'extorsion et de châtiment de la part des agents du Makhzen.

Dans tous les cas, je me rallie à la proposition de notre honorable doyen.

BLAKE.

Annotation of His Majesty's Chargé d'Affaires.

D'accord avec notre honorable doyen et de notre honorable collègue des Etats-Unis, si tous nos autres collègues sont d'accord.

H. W. KENNARD.

[38602] No. 102.

Mr. Kennard to Sir Edward Grey.—(Received September 14.)

(No. 239. Most Confidential.)
Sir, *Tangier, September* 6, 1912.

WITH reference to my despatch No. 234 of the 1st instant, I have the honour to report that Abdel Azim-ben-Ahmed Rifaat, editor of the local Arabic newspaper "El Hak," and Mohammed Zaky Moustafa, a *soi-disant* ex-officer of the Egyptian army, were arrested here on the 3rd instant by the Makhzen authorities, at the instance of the French Legation, for conspiring against the Government. The arrest took place without incident, and the prisoners were taken on board a French steamer the next morning for passage to Casa Blanca, where they are to undergo a cross-examination by the Makhzen authorities, and then be deported.

On the afternoon of the arrest, a secretary of the Spanish Legation came to inform me thereof, and on my asking him if his legation intended to take any action in view of Rifaat having Spanish naturalisation, Señor Caro stated that, fortunately, although Rifaat's naturalisation had been about to be confirmed, the final formalities had not yet been carried out, and that therefore his legation did not consider it necessary to intervene on Rifaat's behalf. I informed M. Caro that the news he had given me would not cause any modification in the attitude of His Majesty's Legation, who would merely see that both prisoners were properly treated while under arrest. I had the impression that Señor Caro was much disappointed on hearing this, as he had hoped that the legation would take some active steps on behalf of the Egyptians.

I then saw the French chargé d'affaires and asked him what his Government, or rather the Makhzen proposed to do with the prisoners. M. Martin, who had previously stated that they would merely be cross-examined and deported, informed me that he thought that they would probably appear before a "conseil de guerre," which would make the necessary decision in the matter. I expressed my surprise at this information, and stated that while I took no official interest in the fate of Rifaat and Zaky, I felt it my duty to see that they were properly treated, and that it seemed rather a strong measure to take the prisoners from Tangier to Casa Blanca, and there try them by court martial. M. Martin promised to telegraph to his Government and request that no harsh treatment should be meted out to Rifaat and Zaky, and that after examination they should be merely deported. I have further instructed the acting British consul at Casa Blanca to report to me on their treatment and eventual deportation. The French Legation requested that His Majesty's consulate-general should affix its seals to the rooms occupied here by Rifaat and Zaky to ensure that they should not be broken into. After consulting Mr. Bristow, I informed the French Legation that this would be an irregular proceeding, and suggested that the Makhzen authorities should be requested to do so. The *soi-disant* Egyptian wives of the prisoners went to His Majesty's consulate-general for assistance, but on my eliciting from M. Martin that they were French, and not the wives of these men, and that further, one of them was a spy in the French service, it was decided that nothing need be done for them.

The Spanish Legation may be considered extremely fortunate in having extricated itself so easily from an awkward dilemma. It has always been understood that Rifaat had Spanish protection, and that the newspaper "El Hak," of which he was editor, and which has always been dangerously gallophobe and pan-islamic in tone, was subsidised by the Spanish Legation. My Spanish colleague in talking to me of the matter said that he had thought discretion the better part of valour, but that he had found great difficulty in restraining his colony from provoking some serious Franco-Spanish incident. He then drew my attention to the danger of the French doing anything further to accentuate the bitterness of feeling. While he and his consul might be able to restrain 5,000 of the Spanish colony, he could not be answerable for what the other 5,000 might do. I impressed upon Señor López Roberts the absolute necessity of making every effort to prevent any act of violence, which would give a disastrous example to the native population who were in any case inclined to be somewhat restless. He

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promised me that he would do what he could in the matter. As I heard that there was some possibility of a "perquisition" being made at the Hispano-Arab school, a Spanish institution, where Rifaat had been a teacher, I also spoke to my French colleague of the danger of unduly stirring up Spanish feeling and creating disturbances in the town. M. Martin quite agreed with me, and stated that the Makhzen authorities only proposed to examine the effects in Rifaat's rooms, as the woman with whom he had been living claimed a sum of money which she said she had lent him. M. Martin deplored the present state of Franco-Spanish relations in Morocco, and assured me that no steps would be taken which might unduly wound the susceptibilities of the Spanish colony here.

In view of the fact that it had been, according to M. Martin, discovered that treasonable correspondence had been passing between Rifaat and certain persons in Egypt, I told him that any details he could give me on the subject might be of interest to His Majesty's Government. M. Martin read me a letter from the French agent at Cairo, in which it was stated that an attempt had been made to recruit Turkish officers for the Pretender's forces here, but as it was thought that Egyptian officers would be preferable on account of their better training and discipline, efforts were now being made to obtain their services. M. Martin has also given me the names of certain personages and institutions in Egypt interested in the anti-French movement in Morocco. According to his statement the funds for the dispatch of Egyptian officers to Morocco were furnished by the Khedive, the German agency in Cairo, the "Comité de Fonds de Guerre ottoman," and the "Union maghrébine." The persons in Egypt who are especially interested in the dispatch of these officers are Mohammed Pasha Sherei, and his nephew, Sheikh Ali Yusef.

Among the officers and others who were to come to Morocco are an officer named Mohammed Hilmi, born in Turkey, and residing in Egypt, Ahmad Effendi Omar Selim, thought to be on the staff of the newspaper "Moaied," and a soldier named Hishmet. I have not been able to obtain any further details as to the plot in which Rifaat and Zaky are concerned, though I understand that the French have a formidable *dossier* against them.

Should you wish me to take any further action on their behalf, I should be glad to receive instructions by telegraph.

I have, &c.
H. W. KENNARD.

[38672] No. 103.

Mr. Rennie to Sir Edward Grey.—(Received September 14.)

(No. 89.)
(Telegraphic.) R. *Madrid, September 14, 1912.*

TANGIER telegram No. 101 of 11th September.

Minister for Foreign Affairs told me to-day that he had yesterday received news that Spanish chargé d'affaires at Tangier had come to satisfactory conclusion with Raisuli.

[38707] No. 104.

Mr. Rennie to Sir Edward Grey.—(Received September 14.)

(No. 90.)
(Telegraphic.) *Zarauz, September 13, 1912.*

MY telegram No. 88 of 11th September: Franco-Spanish negotiations.

Minister for Foreign Affairs told me that a serious hitch had arisen in connection with formula of instructions to consuls. Spanish Government had within last few days repeated instructions to Spanish consuls in French zone to abstain from interfering in politics. He was willing to renew these orders and to make an announcement to the press. He could not, however, instruct them to "co-operate" in the sense of assisting and supporting French officials. He said that this would be tantamount to recognising French protectorate, which he could not do till convention had been signed.

French Ambassador is telegraphing in above sense to Paris, but seems doubtful whether formula would be accepted by French Minister for Foreign Affairs.

Spanish request that analogous instructions might be sent to French agents seems to have been dropped.

Both Minister for Foreign Affairs and French Ambassador consider situation delicate. Former is telegraphing to Spanish Ambassador in London on the subject.

(Sent to Paris.)

[38740] No. 105.

Mr. Rennie to Sir Edward Grey.—(Received September 14.)

(No. 91.)
(Telegraphic.) *San Sebastian, September 14, 1912.*

MY telegram No. 90 of 13th September.

French Ambassador has just informed me that he has been instructed to ask now also for recall of M. Villars, Spanish consul at Mazagan.

He has made the communication to the Minister for Foreign Affairs, who asks for time to consult President of the Council, who is in the country near Madrid. Spanish Minister for Foreign Affairs is of opinion that the Spanish Government will be unable to agree to the recall.

It is to be feared that rupture may take place, possibly within next twenty-four hours, unless the French Government can be induced to modify their new and unexpected demand, or unless some compromise can be found.

(Repeated to Paris.)

[37836] No. 106.

Sir Edward Grey to Mr. Kennard.

(No. 43.)
(Telegraphic.) *Foreign Office, September 14, 1912.*

YOUR despatch No. 226: Illegal sale of Makhzen lands.

I am approaching French Government and urging issue of stringent instructions to Basha of Tangier through Sultan. Meanwhile I do not consider it would be fair that British subjects should alone be prevented acquiring these lands while others are allowed to do so without hindrance.

If similar warning as that which you propose to issue to British subjects is to be made to all foreigners, and there is some assurance that all will be equally deterred, I see no objection, but should prefer following wording:—

"British subjects are hereby warned that before purchasing land from Moorish subjects they should be careful to satisfy themselves as to the validity of the vendor's title, as lands belonging to the Makhzen are being fraudulently offered for sale. All purchases of land should be effected in accordance with the requirements of the Shraa in order to obtain a good title."

[37836] No. 107.

Sir Edward Grey to Sir F. Bertie.

(No. 454.)
Sir, *Foreign Office, September 14, 1912.*

IN your despatch No. 386 of the 3rd instant your Excellency reported that M. Poincaré had requested the "Contrôle de la Dette" at Tangier to use every effort to put an end to the illegal sale of Makhzen lands in that district.

I transmit to your Excellency herewith a copy of a despatch from His Majesty's chargé d'affaires at Tangier,* from which you will see that the "Dette" authorities state they are powerless to carry out M. Poincaré's instructions owing to the opposition of the local authorities. It appears that the Basha of Tangier is the real offender, and that until he can be compelled to cease his connivance these illegal sales will continue. The enclosed memorandum by Mr. White,† who is at present here on leave, will more fully elucidate the nature of the problem at issue.

The French Government have in their influence over the present Sultan the necessary means of bringing pressure to bear on the basha, and Mr. White considers

* No. 90. † No. 97.

that if the French Legation at Tangier were to abandon their passive attitude and give real and vigorous support to the "Dette" authorities the latter would be able to deal with the situation.

I should be glad if your Excellency would approach M. Poincaré again on the subject, pointing out that the matter is one that affects all countries alike, since it is to the equal interest of all that the financial status of the new municipality should be as sound as possible. You should explain to his Excellency the deadlock that has arisen, and you should urge that strong pressure should be brought to bear on the Basha of Tangier, through the Sultan, to cease his connivance, and that instructions should be given to the French Legation to co-operate rigorously with the "Dette" in putting an end to these abuses.

I am, &c.
E. GREY.

[39009] No. 108.

Mr. Rennie to Sir Edward Grey.—(Received September 16.)

(No. 92.)
(Telegraphic.) *Zarauz, September 16, 1912.*

MY immediately preceding telegram of 14th September.

French Ambassador informs me that Spanish Minister for Foreign Affairs has just submitted to him the following formula :—

"Spanish Government, in view of practical considerations and their desire to facilitate good relations between the Spanish and French nations, agree to recall M. Villars, Spanish consul at Mazagan. They desire, however, that in the case of the consul at Mazagan, as well as in that of the consul at Mogador, the facts on which General Lyautey bases his complaint may be submitted to them for examination."

It is very desirable that this solution should be accepted. Could French Government be urged in this sense?

(Repeated to Paris.)

[38707] No. 109.

Sir Edward Grey to Sir F. Bertie.

(No. 414.)
(Telegraphic.) R. *Foreign Office, September 16, 1912.*

MR. RENNIE'S telegram No. 90 of 13th September: France and Spain in Morocco.

Spanish Government have asked for our support in pressing upon French Government acceptance of latest Spanish proposals. They urge that they cannot direct their consuls to co-operate with the French officials without thereby practically recognising French protectorate, and this at the very moment when the French Government refuse to proceed with the completion of the agreement settling the conditions on which Spain will definitely recognise that protectorate.

By instructing their consuls to refrain from all political interference in the French zone, Spanish Government consider that they meet the substance of the French demand, and if France were to insist on a form of words compromising to Spain and humiliating to her, it would be difficult to avoid the conclusion that she was deliberately seeking a general rupture. Spain contends that she has given proof of her conciliatory disposition by waiving her former demand for simultaneous and analogous instructions to French and Spanish consuls, and by agreeing to recall her consuls despite the fact that French Government have refrained from producing any evidence in support of the charges made against those officers. (End of R.)

You should, after consultation, if necessary, with your Spanish colleague, use your best endeavours to induce a favourable consideration of the Spanish proposals by the French Government.

It seems to me that the difference between what France has demanded and what Spain has offered is so slight that it would be a great pity to let it result in a rupture between the two countries on the eve of a general settlement of their differences in Morocco on lines on which both are now apparently agreed. The evil of such a rupture would be incalculable. According to what Spanish Ambassador says, Spain seems to be ready to do all that France wants, if French will sign Morocco convention simultaneously or immediately consequent upon Spain complying with French demand.

[38740] No. 110.

Sir Edward Grey to Sir F. Bertie.

(No. 415.)
(Telegraphic.) R. *Foreign Office, September 16, 1912.*

MY telegram No. 414 of to-day.

Spanish Ambassador just informs me French Government have agreed to Spanish proposal as to instructions to Spanish consuls in French zone in Morocco.

On the other hand, they have demanded practically in the form of an ultimatum that the recall of Spanish consuls at Mogador and Mazagan, to which Spain has consented to give effect in practice, although no evidence against them has been produced, and whatever they did was on instruction from their Government, shall be at once publicly announced. If this is done, French Government will resume the Morocco negotiation. They do not promise to sign the convention as actually settled so far. If their demand is not immediately complied with, French Government threaten to withdraw their Ambassador and to take other measures, which M. Geoffray has intimated will be of a most serious kind.

Spanish Minister for Foreign Affairs said he could not give an answer without consulting the Prime Minister. This will be done to-day. Meanwhile, he has appealed to friendly offices of British Government. He does not think Spanish Government can possibly yield to French demands under the threats presented. They have already yielded the substance; they cannot give way on a point of form which involves the public humiliation of their country and would make the position of Spain in Morocco untenable.

(Repeated to Madrid, No. 74.)

[39016] No. 111.

Mr. Rennie to Sir Edward Grey.—(Received September 17.)

(No. 146. Confidential.)
Zarauz, September 13, 1912.

Sir,

THE incidents connected with the action of the Spanish consuls at Mogador and Mazagan have caused a complete suspension of the conversations between the Spanish Minister for Foreign Affairs and the French Ambassador.

On the 8th instant M. Geoffray informed Señor Garcia Prieto that his Government were ready to accept the proposal made by him unofficially that the Spanish consul at Mogador should not return to his post, and that as to the action of the consul at Mazagan, the proposal to submit the case to the arbitration of some friendly third party was agreed to, though the French Government were inclined to think that it would be preferable that it should form the subject of friendly discussion between the two Governments. M. Geoffray further asked that the Spanish consular representatives in the French zone might be instructed to work cordially in future with the French authorities.

The following day Señor Garcia Prieto replied that he would issue directions to the Spanish officials in the desired sense, and asked that analogous instructions might be sent to the French authorities. He also informed the press at the customary interview that he accords to journalists of the purport of the instructions issued to the consuls to work cordially with the French, which he said had already been sent before, and were now being repeated.

The French Ambassador told me that the answer of the Foreign Minister seemed to him satisfactory, and that in transmitting it to Paris he had asked if he might now continue the conversations regarding the convention which had been suspended since he had formulated a week previously the proposal to substitute a fixed annual payment for the lines of transit.

Two days later, M. Geoffray told me that he had not yet received instructions to continue the conversations. His Government, he said, seemed disinclined to send the orders suggested by Señor Garcia Prieto to the French officials. They appeared to think that the sending of such instructions by the Spanish Government to their consuls and the announcement to the press that this had been done were due as an act of reparation for the Mogador and Mazagan incidents; the request that analogous instructions might be sent to their own officials would appear to imply that these were

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also to blame, a contention that in no way could be admitted. M. Geoffray seemed to be unable to understand the attitude of his Government or of the Quai d'Orsay, and he told me privately that the Ministry appeared to be trying to raise difficulties, though he said he believed that M. Poincaré was being much hampered by parliamentary exigencies.

Yesterday evening he had a further conversation with Señor Garcia Prieto. The latter repeated what he had already stated he was ready to do with regard to the consuls at Mogador and Mazagan. He also said that he was willing to instruct the Spanish consuls in the French zone to co-operate with the French authorities, but he must first consult with the President of the Council by telephone. He made no further mention of the instructions to be sent by the French Government.

The result of his conversation with Señor Canalejas seems to have been to make him change his mind concerning the formula to be used as regards the instructions. When I saw him to-day at noon he was in a state of some agitation. Things, he said, were all going wrong; he could not instruct the consuls to "co-operate" with the French; this would amount to ordering them to assist the French authorities, and was tantamount to recognising the French protectorate, which he refused to do until the convention was signed. All he could do was to send instructions to the consuls to abstain from all political action or interference. Were this not accepted by the French Government, there would be a rupture of negotiations. The situation was extremely delicate, and he was telegraphing to the Spanish Ambassador in London to explain matters to you.

The French Ambassador, whom I saw subsequently, confirmed the above. He, too, was anxious with regard to the situation, and apparently personally satisfied with the Spanish offer. He doubted whether M. Poincaré would accept the wording of the formula, though he admitted that it was substantially what his Government had at first asked for. The feeling in Paris against the Spanish Government appeared, he said, to be growing stronger, and he would not be greatly surprised if he shortly received permission to proceed on leave of absence.

I have, &c.
ERNEST RENNIE.

[39013] No. 112.

Sir F. Bertie to Sir Edward Grey.—(Received September 17.)

(No. 125.)
(Telegraphic.) *Paris, September 16, 1912.*

MOROCCO.

On receipt this evening of your telegrams Nos. 414 and 415 of this afternoon, I asked Spanish Ambassador to come and see me. During our interview there arrived Mr. Rennie's telegram No. 92 to you this afternoon, which he had repeated to me, containing latest Spanish formula, with which Spanish Ambassador was not acquainted.

Minister for Foreign Affairs not being expected back in Paris from the army manœuvres until Wednesday morning, I have seen political director to-night. Formula contained in Mr. Rennie's telegram of to-day had not reached him, and he ascertained by telephone that it had not yet been received at the Ministry for Foreign Affairs, but political director said that he felt sure that it would be accepted by Minister for Foreign Affairs. He stated, however, that General Lyautey's complaints had already been given in full detail to the Spanish Government, who had very reluctantly admitted fault on the part of the consuls at Mazagan.

(Confidential.)

Political director stated, further, that it had not been intention of the French Government to withdraw their Ambassador from Madrid. If the Spanish Government had persisted in refusing to recall consuls-general, Lyautey would have been instructed to "ask" Sultan to withdraw their exequaturs. I suggested to political director that the Spanish Government could hardly be expected to announce publicly recall of their consuls without proof adduced of their misconduct.

[39186] No. 113.

Sir F. Bertie to Sir Edward Grey.—(Received September 17.)

(No. 126.)
(Telegraphic.) R. *Paris, September 17, 1912.*

POLITICAL director reported to the President of the Council my interview with him reported in my telegram No. 125 of last night.

President of the Council had received in the night from Madrid the Spanish formula. He telegraphed this morning to the political director, who has given it to me, a formula which he proposes should be substituted for the Spanish one. It is as follows:—

"Le Gouvernement de Sa Majesté, sans reconnaître présentement les faits imputés aux deux consuls et tout en se réservant la faculté de rectifier lesdits faits après enquête complémentaire, consent pour donner son témoignage d'amitié au Gouvernement de la république au rappel définitif de MM. de Sostoa et Villars."

(Repeated to San Sebastian.)

[39189] No. 114.

Sir F. Bertie to Sir Edward Grey.—(Received September 17.)

(No. 127. Confidential.)
(Telegraphic.) *Paris, September 17, 1912.*

MOROCCO.

See formula proposed by President of the Council, telegraphed to you in my telegram No. 126 of to-day.

I went to the Ministry for Foreign Affairs this morning to learn the result of the reference to the Minister for Foreign Affairs of the Spanish formula.

Political director had received early this morning an answer from his Excellency, who saw objection to Spanish formula, and could not appreciate meaning of "in view of practical considerations." He therefore proposed an alternative formula, and on its acceptance by the Spanish Government the French Ambassador will at once be authorised to resume negotiations.

(Confidential.)

(P.) I was also informed confidentially by M. Paléologue that M. Poincaré intended to require an engagement from the Spanish Government that neither M. de Sostoa nor M. Villas should ever be given an appointment to any other post in Morocco. Even Ifni would be included in this prohibition. I deprecated Ifni being so included as being a condition which the Spanish Government would almost certainly reject as one which they could not in reason be expected to agree to.

M. Poincaré fully recognises, so M. Paléologue assures me, the great political importance of friendship between France and Spain, and is therefore most anxious to settle with the Spanish Government the incident of the consuls.

M. Paléologue added that the Ministry for Foreign Affairs had been informed by M. Geoffray by telegraph of a rumour at Madrid that the Spanish Government contemplated recalling all their consuls from Morocco in the event of the Shereefian Government withdrawing the exequaturs of the Spanish consuls at Mazagan and Mogador; they would then make an application at Berlin for the German Government to take charge of the interests of Spain in Morocco.

When I arrived at the Ministry for Foreign Affairs this morning the Spanish Ambassador was having an interview with M. Paléologue. M. Perez Caballero requested M. Paléologue to receive both myself and him at the same time after my interview. M. Paléologue consented, and we saw him together. I recommended M. Perez Caballero to consider M. Poincaré's formula as a fair compromise and to advise his Government to accept it.

I have, &c.
FRANCIS BERTIE.

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[38069] No. 115.

Sir Edward Grey to Sir F. Bertie.

(No. 458.)
Sir, *Foreign Office, September* 17, 1912.

WITH reference to the Tangier telegram No. 94 of the 30th ultimo and my telegram to Mr. Kennard No. 40 of the 2nd instant, I transmit to your Excellency herewith copies of despatches from Mr. Kennard relative to the Casa Blanca port works.*

I should be glad if you would take an opportunity of informing the French Government of the apprehensions felt by His Majesty's Legation at Tangier that further delays will occur. You should at the same time state that though His Majesty's Government do not wish to raise fresh objections they earnestly hope that the French authorities will in return do all in their power to expedite the matter and prevent fresh delays.

I am, &c.
E. GREY.

[39334] No. 116.

Sir F. Bertie to Sir Edward Grey.—(Received September 18.)

(No. 128.)
(Telegraphic.) *Paris, September* 18, 1912.

MOROCCO.

See Madrid telegram No. 93 of 17th September.

Political director informs me that the Minister for Foreign Affairs has consented to delete word "définitif" objected to by the Spanish Government in the French formula on condition that it is well understood that the recalled consuls will never be appointed to any posts in Morocco, not even Ifni. The reason why this is so much insisted upon by the French Government is that they have reason to believe it to have been the intention of the Spaniards to appoint those consuls to some posts in Morocco other than Mogador and Mazagan, and it would be very injurious to French interests to have a hostile Spanish consul at Ifni in the vicinity of El Hiba.

[39202] No. 117.

Mr. Rennie to Sir Edward Grey.—(Received September 18.)

(No. 93.)
(Telegraphic.) R. *Zarauz, September* 17, 1912.

MY immediately preceding telegram of 16th September: Mazagan and Mogador incidents.

This evening French Ambassador submitted to Spanish Minister for Foreign Affairs following amended formula:—

"Spanish Government, without actually recognising actions attributed to two consuls, and while reserving right to rectify facts in question after subsequent enquiry, consent as a proof of friendship towards French Government to definitely recall M. Sostoa and M. Villars, consuls at Mogador and Mazagan respectively."

Spanish Minister for Foreign Affairs said he would accept text without word "definitely." He could not agree to announcement including this word. He promised neither of the two consuls should be sent back to Morocco. French Ambassador informed his Government in this sense.

Almost immediately afterwards French Ambassador received a telegram from Paris instructing him to inform Spanish Government that the question of rectification of facts must not apply to consul at Mogador. He informed Spanish Minister for Foreign Affairs accordingly.

I had seen Spanish Minister for Foreign Affairs since he received French Ambassador's last communication. He said he could not accept formula which implied that consul at Mogador was at fault. He considered he had gone far enough in agreeing

* Not printed.

to previous formula with omission of word "definitely." He could never accept this latest demand, and public opinion of Spain would not admit it. He had received no information to justify such treatment of consuls in question. His Excellency showed considerable agitation, spoke bitterly of this fresh demand, and said French Government seemed bent on rupture.

(Repeated to Paris.)

[39335] No. 118.

Mr. Rennie to Sir Edward Grey.—(Received September 18.)

(No. 94.)
(Telegraphic.) R. *Zarauz, September* 18, 1912.

MY telegram No. 93 of 17th September: Mazagan and Mogador incidents.

I saw Spanish Minister for Foreign Affairs to-day at his request. In reply to an enquiry, I replied that I had received French text of earlier formula communicated to him by French Ambassador yesterday (Paris telegram No. 126 of 17th September). He asked if this contained phrase "rappel définitif." I replied in the affirmative. He then read me telegram from Spanish Ambassador at Paris giving account of interview with political director in presence of Sir F. Bertie. In text transmitted by Spanish Ambassador the word "définitif" was omitted.

Minister for Foreign Affairs said he had just seen French Ambassador and had read him text from Spanish Ambassador in Paris. He had told French Ambassador that he could not possibly accept last formula communicated to him yesterday, but was ready to accept that transmitted by Spanish Ambassador. French Ambassador agreed to telegraph this acceptance to Paris. Minister for Foreign Affairs said to me that he hoped that incident of two consuls was now closed, and he expressed his best thanks to His Majesty's Government for their good offices. French Ambassador, whom I saw later, confirms the above account of interview. He said that he had also obtained promise of Spanish Minister for Foreign Affairs that an announcement should be published to the effect that it was semi-officially denied that either of the two consuls in question was to be re-employed either in Ifni or in French zone.

(Repeated to Paris.)

[39444] No. 119.

Sir F. Bertie to Sir Edward Grey.—(Received September 19.)

(No. 131.)
(Telegraphic.) R. *Paris, September* 19, 1912.

MOROCCO.

Minister for Foreign Affairs informs me that the Spanish Government have accepted latest French formula (see my telegram No. 126 of 17th September), and that the question is therefore settled.

(Repeated to Madrid.)

[39552] No. 120.

Mr. Rennie to Sir Edward Grey.—(Received September 20.)

(No. 95.)
(Telegraphic.) R. *Zarauz, September* 19, 1912.

MY immediately preceding telegram of 18th September: Mazagan and Mogador incident.

French Ambassador has just informed me that French Government consider incident of the consuls as satisfactorily settled. He has been authorised to resume conversations regarding Morocco convention.

(Repeated to Paris.)

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[39859] No. 121.

Mr. Kennard to Sir Edward Grey.—(Received September 23.)

(No. 243.)

Tangier, September 14, 1912.

Sir,

WITH reference to my telegram No. 102 of the 12th instant, I have the honour to report that I have understood for some time past that a project for road construction at Tangier was to be submitted to the corps diplomatique for their approval, but my enquiries from the officials of the Public Works Department have until the present week only elicited the reply that the project was in course of preparation and that no details were available for the moment.

At the commencement of this week, however, the president and engineer of the Comité spécial des Travaux publics informed me that the project was about to be forwarded to the doyen for submission to the corps diplomatique, including the Corniche drive referred to in my despatch No. 242 of the 10th instant. Two days later I received from the doyen a circular covering the project and some explanatory notes of the State engineer, of which details will be found in the statement enclosed herewith under "original project," and to the identity of which the rough plan also enclosed will give some indication.*

The project, as you will observe, includes not only 800,000 fr. for the Corniche drive, but also some 500,000 fr. for a "boulevard axial," with "prolongements" and "raccordements," &c. No roads into the country were provided for, and other items appeared unduly large. M. Porché in his explanatory notes suggested that to carry out the scheme, which would cost approximately 3,000,000 fr., a loan should be contracted on that part of the Caisse spéciale which would accrue to the Tangier zone, after the distribution of the funds among the three zones, *i.e.*, according to his estimate some 350,000 fr. annually. The interest and amortisation on this loan at 4½ per cent. for thirty years would involve an annual payment of 200,000 fr., leaving 100,000 fr. for other expenses when deduction had been made of the 40,000 fr. proposed as a guarantee to the concessionnaire of the water works (see my despatch No. 244 of this date). After studying the project I requested Ali Zaky Bey, president of the Public Works Committee, to give me some explanation of its details. I pointed out to him that the Corniche drive was, of course, out of the question, for the reasons stated in my despatch above referred to. Ali Zaky. who is a warm advocate of this item for reasons which one would prefer not to examine, made little effort to defend the proposal, and agreed that it should be dropped. He then asked me what I thought His Majesty's Government might be prepared to agree to, and after striking out some items and reducing and adding others we arrived at the figures quoted under "modified project" in the enclosed statement.* I, however. made the reservation that no loan was to be contracted for the works, and that His Majesty's Government should finally approve the project as modified. You will observe that the cost was reduced by almost one-half, and the more objectionable features have either been struck out or greatly reduced. Further, two useful roads into the country were added, and provision was made for a quarantine lazaretto, to the need of which my attention has been recently drawn, as president of the Sanitary Council, more especially as quarantine measures have now to be taken against arrivals from Casa Blanca, where bubonic plague has broken out.

I then saw M. Porché and talked over the scheme with him. He is, I regret to say, the sponsor for the "boulevard axial," which will mainly benefit certain French real-estate companies which have bought land extensively in the sand dunes to the east of the town, where no houses exist, for speculative purposes. M. Porché defended the boulevard on the ground that the American system of indicating the direction in which a town should spread was the most efficacious. I pointed out that the companies interested should at least contribute their share, and agreed provisionally to certain reduced sums on the understanding that they should be asked to contribute the same amount towards the construction of the boulevard. M. Porché, who had discussed the question with Ali Zaky, accepted the remaining modifications, but was very obdurate on the question of funds. I stated that it seemed preferable that no roads should be constructed at all than that the future Tangier municipality should fall heir to financial burdens of this kind, as, despite M. Porché's arguments, it is clear that the municipality would be directly concerned in the administration of any funds accruing to Tangier from the Caisse spéciale. I asked him to prepare a statement, showing the present

* Not printed.

balance in the caisse and the comparative expenditure on works in Tangier and other ports since 1908, when the caisse was established, so that the financial side might be carefully gone into at the meeting of the corps diplomatique to-day. I further saw my colleagues, and found that they were not prepared to approve the works proposed in the original project as it stood.

At the meeting of the corps diplomatique at the Italian Legation this morning, Ali Zaky Bey stated that, as grave objections had been raised to the original project, it had been withdrawn, and a modified scheme (*i.e.*, the one we had agreed upon) had been substituted. Both he and M. Porché spoke eloquently in its favour, but disagreed on the financial question. Ali Zaky maintained that the 1,500,000 fr. required could be set aside at once for the project, while M. Porché maintained that this could not be done. He pointed out that since 1908 the 2½ per cent. on the customs receipts amounted to 1,600,000 fr. at Tangier, while 2,050,000 fr. had been voted for public works here, of which 1,200,000 fr. were taken from the Caisse spéciale, and 850,000 fr. were advanced on the "taxe urbaine," being therefore a debt which must be repaid. At Casa Blanca the customs receipts had amounted to 2,100,000 fr., and 1,300,000 fr. had been spent on works there. He failed to see how Tangier could be properly granted such a sum as that required for the road project from the 3,000,000 fr. surplus at present in the caisse. I pointed out that this entire sum was to have been devoted to the adjudication for the Casa Blanca port works (see Sir R. Lister's despatch No. 136 of the 9th June), and, while it was desirable that no undue preference should be granted to Tangier over ports such as Saffi, I saw no reason why under these circumstances half that sum could not be given to Tangier.

The details of the scheme were then discussed by the corps diplomatique, and further reductions were made which have reduced the total project to one of little over a 1,000,000 fr. (See "project as modified by corps diplomatique provisionally" in the statement.) My colleagues have, however, requested more time to study the scheme before making a decision, and the doyen has asked the president of the Public Works Department to furnish each legation with full particulars as to the scheme as modified, and more especially the financial question, on which I have insisted. My colleagues have all agreed that the future municipality must be in no way committed to any debt or financial obligation which it has not itself approved. As soon as I have received these further particulars I will forward them to you.

I consider the project for road construction the most barefaced attempt on the part of the officials of the Public Works Department to rush through a project, which would have only served the interests of certain real estate speculators here, and would have involved the future municipality in financial obligations by which it should not be embarrassed, especially in view of the small resources it may at first enjoy. The mere fact that the president of the Public Works Committee should have in a few moments conversation agreed to the reduction of the scheme by one half gives some indication of the unscrupulous manner in which it must have been drawn up. I have succeeded in arousing the indignation of some of my colleagues, who take a lukewarm interest in such matters, by pointing out that advantage has been taken of the fact that the corps diplomatique now consists of only chargés d'affaires to make an effort to secure the passage of measures which the officials concerned would not otherwise dare to put forward.

At any rate, the matter does not redound to the credit of either Ali Zaky Bey or M. Porché any more than the proposed submission of the waterworks scheme reported on in my despatch No. 244 of to-day's date.

I am of opinion that all the items now proposed are urgently needed, and while one would prefer provision being made for more communications with the country outside Tangier, there is no doubt that all the works included will really benefit the town. Care will, of course, be taken that the necessary finances are properly provided for without injuring the interests of other ports or placing any burden on the future administration of Tangier.

I should, however, be glad to have an expression of your views on the scheme as now provisionally modified.

I have, &c.

H. W. KENNARD.

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[39860] No. 122.

Mr. Kennard to Sir Edward Grey.—(Received September 23.)

(No. 244.)

Sir, *Tangier, September 14, 1912.*

WITH reference to my telegram No. 102 of the 12th instant, I have the honour to report that to my great surprise I heard at the beginning of this week that the project for the Tangier water-works, tramway service, electric light and power, and gas works, of which details will be found in Mr. White's despatch No. 60 of the 22nd March last, was to be laid before the "Comité spécial des Travaux publics" in about ten days' time. In view of the fact that the state engineer had in April last been informed by this legation that His Majesty's Government preferred that this question should be reserved for the decision of the future Tangier municipality, and that I had no reason to believe that this attitude had been modified, I informed you telegraphically that I intended, unless otherwise instructed, to request that the project should not be submitted to the "comité" at present.

On the receipt of your telegram No. 42 of the 12th instant, I enquired of M. Porché whether it was a fact that the water-works project was about to be presented to the Public Works Committee He informed me that the plans and specifications were quite ready, and that he hoped to lay them before the committee in about a week. I stated that I considered that this showed an extreme lack of courtesy, to say the least of it, in view of Sir R. Lister's letter to him and of the fact that he had never warned me of his intention to proceed with the scheme despite the view expressed in that letter. M. Porché volubly explained that he had understood from His Majesty's Minister before his departure on leave of absence that there would be no objection to proceeding with the scheme, and that so much pressure had been put upon him by people in the town with regard to the water supply that he felt it was necessary for his reputation to take some action in the matter.

I told M. Porché that there must be some misunderstanding, as I had gathered only from Sir R. Lister that he proposed to discuss the question while in London, and I observed that it seemed preferable for M. Porché to preserve his reputation in the eyes of His Majesty's Government than in those of a few individuals in this town: he might at any rate have given me due warning of his intentions. The scarcity of water would no longer be felt on the arrival of the first rain in a few days, and a postponement of a few months would not materially delay the work.

M. Porché protested that he was anxious to stand well with His Majesty's Government, but that he would be placed in an extremely awkward position if he did not submit the project he had prepared as promised. After a certain amount of demur he consented to postpone any action in the matter until he had discussed the question with Sir R. Lister on his return from London next month, and proposed to inform such persons as might enquire as to the reasons for the delay that the project was quite ready, but that insurmountable objections had been found to its submission to the Public Works Committee at present. I informed M. Porché that so long as the question was postponed, and that His Majesty's Government were not made directly responsible for the delay, I agreed to this proposal.

I understand that the estimated cost of the water-works will be 1,800,000 fr., and that that of the power and traction plant will be between 1,500,000 fr. and 2,000,000 fr. It is proposed to give the concessionnaire a guarantee up to 40,000 fr. annually for a period of years to ensure him against such loss as he may incur during the first years of the concession. This latter sum was to have been provided for under the proposed loan for the Tangier roads project (see my despatch No. 243 of the 14th instant), but I have insisted on its being struck out.

While one does not wish to draw unfair conclusions, one cannot help entertaining some disagreeable suspicions as to the eagerness which is being displayed to put through projects of this kind here before the establishment of the new authority.

I have, &c.

H. W. KENNARD.

[39861] No. 123.

Mr. Kennard to Sir Edward Grey.—(Received September 23.)

(No. 245.)

Sir, *Tangier, September 14, 1912.*

WITH reference to my telegram No. 99 of the 9th instant, I have the honour to report that Colonel Mangin's column entered Marrakesh on the 7th instant and effected the liberation of the French prisoners there.

It appears that the column left Sok-el-Arba on the 5th instant and camped at N'zala-el-Adam after a march of 24 miles. On the 6th instant the Pretender's forces, who were estimated at about 10,000 and were under the command of his brother, were discovered at the foot of the Jebilat and attacked Colonel Mangin's column with considerable vigour. The charges were, however, checked by heavy artillery fire, and they broke into flight, pursued by the French cavalry, who killed over 100 men at the point of the sabre and captured two cannon and the enemy's camp. The column, which had lost eighteen wounded, camped that evening at Sidi-bou-Athman; but Colonel Mangin sent forward his cavalry, under Commandant Simon, who reached the immediate environs of Marrakesh before nightfall and entered the city on the following morning.

It appears that when Hadj Thami Glawi knew that the French troops were approaching Marrakesh he assembled such kaïds as had remained loyal and exhorted the populace to expel the Pretender from the city. The people, who were tired of El Hiba's rule of disorder and violence and no doubt feared reprisals on the part of the French troops, responded to this call, and the Pretender fled from the city with a few followers, pursued by the townspeople, who opened a heavy fire on him. El Hiba took refuge with the Shereef of Tamsloht, about 20 miles south of the city, but is now said to have retired further south. M. Maigret and the French prisoners, who had been protected by the Glawa, were handed over to Commandant Simon and are now on their way to the coast. It appears that they were not maltreated in any way and are in good health. No further details have as yet transpired as to the losses on both sides and any further fighting or incidents which may have taken place.

General Lyautey must be congratulated on having solved a difficult problem so successfully, though it cannot be denied that he has been singularly favoured by good fortune in his arrangements. Had El Hiba, instead of allowing his followers to run riot, maintained his popularity with the people of Marrakesh and gathered more formidable adherents to his cause from the tribes in the Rhamna and Tadla, the task of retaking the city and rescuing the prisoners would not have been so easy. As it is, it is reported that the roads to the north of Marrakesh are unsafe, and it has only been decided after considerable deliberation to maintain a French garrison there. The city is now to be fortified and reinforcements are to be sent to guard the lines of communication with the coast. It is pleasing to note that Hadj Thami Glawi has behaved with such loyalty and forethought; it is probably due to his intervention that M. Maigret and his compatriots owe their lives. Nothing is known of what part El M'tougui has played in recent events, but the mere fact that his name is not mentioned would seem to indicate that his rôle has not been a deserving one.

The moral effect of the fall of Marrakesh will probably be very great throughout the country, though disturbances are still reported from various parts, and General Lyautey's work of pacification should be greatly facilitated by the turn of events.

I asked my French colleague when he thought it would be safe for British subjects to return to Marrakesh. M. Martin was unable to offer any opinion, but promised to make enquiries into the matter.

I have, &c.

H. W. KENNARD.

[39731] No. 124.

Sir Edward Grey to Sir F. Bertie.

(No. 465.)

Sir, *Foreign Office, September 23, 1912.*

WITH reference to your recent telegrams relative to the difficulties which have arisen between the French and Spanish Governments in connection with the recall of the Spanish consuls from Mogador and Mazagan, I have to inform you that the

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Spanish Ambassador called at this office on the 17th instant to give an explanation of the situation.

M. de Villa Urrutia observed that the formula to which Spain had agreed was a complete surrender on her part. It was extorted by the French Ambassador at San Sebastian who declared that he could not wait for the result of a consultation with the Spanish Prime Minister, but must have the Spanish reply at once. France would listen to no counterproposal of any kind. The French demand for the immediate recall of the consuls must be accepted as it stood; otherwise, his instructions were to quit Madrid at once. The French Government would, he threatened, thereupon have the exequaturs of all the Spanish agents and consuls in Morocco withdrawn.

It was in the face of this threat, said the Ambassador, that the Spanish Minister for Foreign Affairs gave way.

His Excellency again declared that it was absolutely untrue that the French Government had communicated any details as to the alleged misconduct of the Spanish consuls. He observed that naturally the outrageous conduct of the French Government must leave its mark on the relations between the two countries. Spain now clearly realised that France was her determined and bitter enemy, and Spanish policy would inevitably be deflected accordingly.

I am, &c.
E. GREY.

[39180] No. 125.

Sir Edward Grey to M. Cambon.

Your Excellency, *Foreign Office, September 23, 1912.*

I DID not fail to give most careful consideration to the memorandum which M. de Fleuriau was good enough to communicate to me on the 26th ultimo in regard to the proposed international municipality at Tangier, and while the matter was under discussion I received from His Majesty's Ambassador at Paris a copy of a note dated the 27th ultimo which M. Poincaré had addressed to him on the same subject.

I have thought it would be most convenient to the French Government if I were to deal with these two papers together, and I have accordingly caused the views of His Majesty's Government to be embodied in a memorandum, a copy of which I have the honour to transmit to your Excellency herewith. This memorandum, which discusses the new French suggestions at some length, has been drawn up with every desire to meet the wishes of the French Government, and I venture to beg that in communicating with your Government, your Excellency will express my earnest hope that it will soon be possible for the two Governments to come to a complete agreement on the points still at issue.

I have, &c.
E. GREY.

Enclosure in No. 125.

Memorandum respecting the Tangier Municipality.

HIS Majesty's Government have studied with the closest attention the memoranda relating to the future régime at Tangier which M. Poincaré addressed to His Majesty's Ambassador in Paris and M. de Fleuriau communicated to the Foreign Office on the 26th and 27th ultimo. They gladly recognise that both Governments are equally inspired with the desire to establish the new régime on a firm and lasting basis, and they share the hope that by a frank exchange of views any divergence of opinion on essential points may be removed.

At the same time His Majesty's Government cannot conceal their disappointment that new proposals should now have been brought forward differing so greatly from those on which the British, French, and Spanish delegates had agreed at San Sebastian. They had hoped that the important points on which such agreement had been reached could be considered as definitely settled, and they greatly deplore that the whole question should be reopened. They understand, however, that the new French proposals have been put forward tentatively, and they consider it advisable accordingly to set forth in detail their views on the various points at issue. For the sake of convenience the same headings have been adopted as in the memorandum communicated to M. Cambon on the 15th March last (No. 11238).

1. *Mode of Setting up the Municipality.*

His Majesty's Government are glad to learn that the French Government consider that the procedure recommended in the British note of the 23rd July (No. 27962) will meet the requirements of the situation, and will enable due regard to be paid to any criticisms or suggestions which other Powers may desire to make. It was solely with this idea that the procedure in question was recommended by Sir E. Grey, since due expression will of course have been given to the views of Great Britain before the draft scheme is put forward.

2. *Powers of the Municipality.*

His Majesty's Government believe that the French Government are in general agreement with their view, but it will be advisable to discuss in closer detail the exact position of the Sultan's representative, or khalifa. It should be clearly laid down that the khalifa will not be the depository of the general powers of the Sultan in the Tangier zone, since these powers have already been delegated to the municipality; on the contrary, he will be an agent dependent on the municipality to deal, under its control, with certain native affairs. He will be unable to appoint or dismiss Moorish officials, except with the concurrence of the municipality, and, though appointed in the first instance by the Makhzen, his dismissal or retention in office will be impossible without the consent of the municipality.

As representative of the Sultan the khalifa will, like the other foreign representatives, have a seat on the Committee of Control; but as regards Moorish subjects, he cannot have the powers which the foreign representatives have towards their nationals. The real reason of the establishment of the French and Spanish protectorates and the international zone in Morocco is the proved inability of the Moorish authorities to preserve order, to administer justice, or, in fact, to carry on the Government of the country on the lines of a modern civilised community. To place the Moorish population in Tangier in the power of the khalifa, in other words, to grant to the Makhzen in the international zone what would practically amount to extraterritorial rights similar to those now enjoyed by European countries, would be a retrograde step of a nature which would frustrate the very object for which the municipality is being constituted. His Majesty's Government, as stated above, have every reason to believe that no such step is contemplated by the French Government, but they would like to be confirmed in this view.

It may be opportune to observe here that His Majesty's Government are anxious that the Capitulations and the right of foreign protection should be abolished in the international zone at the earliest possible moment. They are not putting forward proposals to that effect now for fear of causing further delay and complications in the present negotiations. But they are of opinion that an undertaking to proceed at once to the abolition of the Capitulations and foreign protection in the international zone should form part of the convention, and they believe that the French Government will concur in this view. It would obviously, therefore, be both inexpedient and undesirable to give the Moors on the institution of the municipality what has been alluded to above as practically amounting to extraterritorial rights, only again to deprive them of such rights when after a short interval a comprehensive jurisdiction is established.

3. *Area of the Municipal District.*

His Majesty's Government understand that an agreement was reached by the three delegates at San Sebastian in the following terms:—

"Partant de Punta Altares sur la côte sud du détroit de Gibraltar la ligne de démarcation se dirigera en ligne droite sur la crête du Jebel Bemi Meyimel, de manière à laisser à l'ouest le village appelé Dxar ez Zeitun, et suivra ensuite la ligne des limites entre le Fahs d'un côté et les tribus de l'Anjera et de l'Uad Ras de l'autre côté jusqu'à l'encontre de l'Uad Zeguir. De là la ligne de démarcation suivra le thalweg de l'Uad ez Zeguir, puis ceux des Uads M'harhar et Tzahadartz jusqu'à la mer. Le tout conformément au tracé indiqué sur la carte de l'état-major espagnol, qui a pour titre: 'Croquis del Imperio de Marruecos,' à l'échelle de 1/100,000. Édition de 1906."

His Majesty's Government would be glad to know whether the French Government concur in the above.

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4. *Machinery of Government.*

The French Government suggest that the council should consist of thirty members of whom one-half are to be nominated and the remainder elected. Of the fifteen nominated councillors five would be native Mussulmans and two native Jews; of the remaining fifteen members five are to be elected by native Mussulmans, two by native Jews, and eight by residents of other nationalities jointly. There would thus be fourteen native members on a council of thirty. It will be convenient to examine these proposals under five separate sub-headings:—

(a.) *Composition of Council.*

The two chief arguments put forward for this increase in the Moorish representation are the movement said to exist in France and in England for granting native races a larger measure of self-government, and the fact that there are six times as many Moorish residents as European in Tangier. But it may be observed that the protectorates and municipality are being established for the very purpose of limiting the autonomy of the Moors which they have shown themselves incapable of exercising efficiently; and recent experience of native self-government in other oriental communities has hardly been of a nature to encourage any far-reaching experiments of the same kind in Morocco. Moreover, if payment of the urban tax is taken as the basis of representation it cannot be said that the qualified Moorish residents outnumber the Europeans by six to one. If the system of proportional representation is to be adopted in the case of the Moors it would be only logical to apply it to the case of other nationalities; this would result *inter alia* in Spain being allotted about four times as many seats on the council as France.

One further observation remains to be made: His Majesty's Government do not for a moment believe that in proposing an enlarged Moorish representation the French Government in any way contemplated an increase of French influence and power in Tangier. But in practice it will be almost unavoidable that the native members will remain amenable to the influence of the Makhzen in some form, and as the Makhzen on their part must reflect the policy of the French Government it would not be in the latter's power, however much they desired, to ensure the complete impartiality and independence of a large and compact body of Moorish councillors.

His Majesty's Government have from the beginning held the view that the only proper and equitable method of establishing an international municipality is to place every nationality on exactly the same footing with equal rights in every respect. For this reason they greatly deprecate the proposed division of the electorate into separate bodies, especially when coupled with the proposed proportion of seven native to eight European elected councillors. They do not share the apprehensions of the French Government as to the dangers which would arise from a single electoral body; on the other hand, they hold that any division of the electorate would tend to accentuate the divergence of nationalities, and give rise to a much greater degree of racial animosity than would the establishment of a single body. The object which His Majesty's Government have in view is to promote complete harmony and co-operation between all the residents of Tangier of whatever nationality or religion, and to weld them into a single body with a common interest, namely, the general welfare and prosperity of the community.

Apart from the difficulty which, as the French Government have themselves pointed out, a division of the electoral body into native and Europeans would entail as regards the classification of the foreign-protected Moors, there are other objections of a cognate character which would seem to have been overlooked: If religion is to be taken as the basis for classifying the electors, with whom are Algerian, Tunisian, Egyptian, and other Mussulmans to vote—with their co-religionists or with the Christians? The same question arises in the case of Jews of foreign origin and native Jews who have acquired a foreign nationality by naturalisation. All these delicate problems would be avoided by the establishment of a single electoral body.

(b.) *Number of Members.*

The French Government propose that the number of members should be raised to thirty, including the fourteen native members. His Majesty's Government, for the reasons explained above, would find it impossible to agree to so large a Moorish representation, and they still consider that their original proposal of twelve nominated

and twelve elected members, making twenty-four in all, would be best. His Majesty's Government would, however, in order to meet the wishes of the French Government, consent to the council consisting of twelve nominated and eighteen elected members. It will, of course, be understood that the rule already agreed upon that not more than four councillors, including the nominated member, should belong to the same nationality will be maintained.

(c.) *Nominated Members.*

As regards the nomination of members His Majesty's Government observe that the French Government are inclined to favour joint selection by the foreign representatives together. However desirable this may appear at first sight, His Majesty's Government fear that in practice it will be altogether unworkable. The election must be either unanimous or by majority. In the first alternative, every foreign representative will have a *liberum veto*, and a country with infinitesimal interests at Tangier will therefore be able to prevent the election, for instance, of the French or Spanish candidates. In the latter alternative it is possible, not to say probable, that certain representatives may combine to elect a candidate in spite of the opposition of the latter's own legation, who may consider him undesirable in every way. In any case, this process of selection would certainly give rise to considerable international friction. His Majesty's Government remain of opinion that each Power represented at Tangier, as well as the Makhzen, should be entitled to nominate one member; this proposal not only eliminates the difficulties just referred to, but presents the very real and practical advantage of ensuring some representation on the council to countries whose interests at Tangier would not permit of their securing one of the elected seats, and will thus facilitate their consent to the scheme.

(d.) *Executive Powers.*

The French Government propose that administrative powers should be centred in a "commissaire-administrateur," who might, they suggest, be named by the President of the Swiss Confederation, and who should be a national of a disinterested Power. No details are given as to the terms of his appointment, but he is to have two or three assistants, who will presumably be elected by the council, though this is not stated.

His Majesty's Government would much prefer that the executive body should emanate from the council. They think that the president of the council, elected by that body from amongst its own members, should *ipso facto* be the head of the executive body, and his assistants should be similary elected by the council from its own members. There appears little doubt that, at any rate amongst the nominated members, persons perfectly well qualified to occupy such posts will be found. It might, however, be well to provide that, in the event of a deadlock being reached and no majority obtained by any one candidate, the chief executive officer should be selected by the President of the Swiss Confederation from among the subjects of a minor Power.

(e.) *Committee of Control.*

This committee will consist of all the foreign representatives and the Moorish khalifa.

His Majesty's Government see no reason why, if the committee or the council require expert advice, the experts concerned should not attend the meetings and take part in the deliberations as is done at present in the case of the Sanitary Council at Tangier. But they consider that it would be altogether contrary to the principles on which the municipality is based that the experts should have the right to vote on any subject whatsoever, either in the committee or the council.

To sum up, His Majesty's Government are willing to agree that the council should consist of thirty members, twelve of whom will be separately nominated by the foreign representatives and the Makhzen, and the remaining eighteen elected by a single body of electors, subject to the proviso that not more than four members, including the nominated members, shall be of the same nationality. The executive body will consist of the president and two or three other councillors, elected by the council from amongst its own members. In case of a deadlock, a president could be nominated

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by the President of the Swiss Republic. The Committee of Control will consist of the foreign representatives and the Moorish khalifa, and both this committee and the council will be able to summon experts to their deliberations; but these experts will not be entitled to a vote.

5. *Franchise.*

An agreement was reached by the delegates at San Sebastian that the qualification for a vote should be a year's residence at Tangier and assessment for the urban tax of at least 40 pesetas hassani a-month; and for qualification as an elected councillor a year's residence at Tangier and assessment for the urban tax of at least 120 pesetas hassani a-month. His Majesty's Government would be glad to know whether the French Government concur.

6. *Revenues of the Municipality.*

His Majesty's Government have given most careful consideration to the arguments advanced by the French Government in favour of the retention of the Contrôle de la Dette at the Tangier Customs House. With every desire to see the matter from the French standpoint they remain of opinion that the maintenance of the Contrôle at Tangier is contrary to the spirit of internationalisation, the essential feature of which is the complete local autonomy of the zone and its emancipation from dependence on either the Makhzen or the protectorate authorities. Now that a system has been devised for freeing the customs in the Spanish zone from administration by the Dette, they cannot admit the existence of any insuperable difficulty in applying the same system to Tangier. In view, however, of the strong wishes of the French Government on the subject, His Majesty's Government would be prepared, though with the greatest reluctance, to waive their objections, on condition that in return for this signal proof of their good-will and conciliatory spirit the French Government will meet their views on other points.

His Majesty's Government note with satisfaction that the French Government concur in the retention by the municipality of the whole of the 2½ per cent. surtax levied at Tangier; but they observe that the French concurrence is subject to the administration of Tangier being organised in conditions which the French Government "juge seules capables d'assurer sa vitalité et son bon fonctionnement." As it is obvious that the municipality, which in any case will at first be hampered by lack of funds, cannot be instituted unless it is to retain the surtax, His Majesty's Government would be glad to learn whether they are correct in assuming that the French concurrence will be made definite as soon as a draft scheme has been finally agreed upon between the three Governments.

His Majesty's Government accept the formula proposed by the French Government for the calculation of the percentage of the French loans to be paid by the municipality, according to which this percentage is to be the same as that at which the customs receipts at Tangier to be retained by the municipality stand to the total Moorish customs receipts. The calculation will, of course, leave the surtax entirely out of account and it will be based on the exact figures of the last year for which such figures are available. It would, however, be necessary to arrange that the financial expert of the municipality should be associated with the officials of the Dette in making the calculation, and all the necessary documents should be at his disposal for inspection and verification.

His Majesty's Government observe with regret that the French war annuity is included among the loans on which Tangier is to pay a proportion. They fully recognise that Tangier must pay a share on loans held by individual bondholders: but the war annuity is in a different category, as it accrues entirely to the French Government. The latter have waived it in the case of the Spanish zone, and His Majesty's Government earnestly hope that the same concession will be extended to Tangier, in view of the slenderness of the municipal resources and the great importance to France, as well as to other countries, of the new régime being placed on a sound financial basis from the beginning. The amount involved is a trifling one for the French Government, but would consitute a heavy burden on the municipality.

It should be clearly understood that as long as the service of the loans is entirely met from customs receipts—and there is every reason to suppose that it will be so met in the future as in past years—the *whole* of other revenues such as Zekkat, Mostafadat, Makhzen lands, *taxe urbaine*, &c., will accrue to the municipality. As

regards the tobacco monopoly, His Majesty's Government consider that Tangier should receive the same percentage of the profits accruing to the Makhzen as she pays on the loans, *i.e.*, if Tangier pays 5 per cent. of the loan she should receive 5 per cent. of the proceeds of the monopoly. She would, of course, receive the totality of fines imposed in the international zone for contravention of the monopoly regulations. She will also receive a proportionate share of the profit accruing to the Makhzen from the State Bank, Tangier–Fez Railway, &c.

As regards the Makhzen properties in the international zone which are affected to the service of the loans, the municipality will stand to the Contrôle de la Dette in the same relation as formerly the Makhzen, and any disposal or sale of these lands will be subject to the former's consent.

In conclusion, His Majesty's Government would be glad of a formal assurance that the loans will be paid off at the earliest possible moment, and that when paid off the maintenance of the Contrôle at Tangier will automatically lapse.

7. *Public Works.*

His Majesty's Government presume that the French Government maintain the adherence given by the French delegate at San Sebastian to the following formula:—

"Les questions de travaux publics continueront d'être régies par les stipulations de l'Acte d'Algésiras et par les dispositions des règlements généraux sur l'adjudication établis en conformité de l'article 110 de cet Acte. Dans la zone municipale la Commission des Adjudications et des Marchés et le Comité spécial des Travaux publics seront remplacés par un comité que désignera le conseil municipal."

8. *Judicial Arrangements.*

9. *Limitations on Powers of Municipal Council.*

As stated under heading No. 2, His Majesty's Government are anxious that the Capitulations should be abolished at an early date, and that there should be one comprehensive jurisdiction in the international district. Meanwhile they presume that the concurrence in the British proposals, both as regards judicial arrangements and the limitations on the powers of the municipality given by M. Cambon in his memorandum of the 25th March, and by M. Guiot at Madrid, still holds good, with the slight modification on which the delegates agreed at San Sebastian, that the municipality should be entitled to draw up its own land regulations.

10. *Police.*

The force is now divided into Spanish urban and French extra-urban police. These two sections should be amalgamated into one homogeneous body under the municipality, and probably a somewhat smaller force will be sufficient. His Majesty's Government propose that, in the first instance, the municipality shall take over the police as they stand and appoint a chief from among the subjects of a minor Power. As vacancies occur among the officers the chief of police will recommend candidates of any nationality he may think fit, and it will be open to the municipality to endorse or reject his recommendations.

[39859]

No. 126.

Sir Edward Grey to Mr. Kennard.

(No. 122.)

Foreign Office, September 26, 1912.

Sir,

I HAVE received your despatch No. 243 of the 14th instant, and I entirely approve your action in the matter of the project for road construction at Tangier.

Before authorising you to agree to the scheme as modified by the diplomatic body, I shall await the promised further details from the president of the Public Works Department. Meanwhile, I may observe that unless the scheme can be carried out without in any way engaging the revenues of the future municipality, His Majesty's Government would prefer the omission of the less pressing items, such as the

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Boulevard front de mer, Chemin des Vignes, and the road to the Mojaheddin cemetery.

I desire further to point out that it was originally intended that the Tangier lazaretto should serve for the whole of Morocco. If that is still intended, the expenses connected therewith should fall upon all the ports jointly, and not on Tangier alone.

I am, &c.
E. GREY.

40840] No. 127.

Mr. Kennard to Sir Edward Grey.—(*Received September* 30.)

(No. 251.)

Sir, *Tangier, August* 22, 1912.

WITH reference to my despatch No. 205 of the 3rd August, I have the honour to transmit herewith, copy of a despatch which I have received from His Majesty's consul at Fez on the subject of the municipal elections which have been recently held at Fez.

I have, &c.
H. W. KENNARD.

Enclosure 1 in No. 127.

Consul MacLeod to Mr. Kennard.

(No. 101.)

Sir, *Fez, September* 12, 1912.

THE last of the elections for the Fez Moorish Municipality took place yesterday, and I have now the honour to enclose an annotated statement of the results.

It will be observed that of the 12 persons elected (8 councillors and 4 "suppléants"), 5 are non-protected Moors, 3 are British protégés, 2 are Italian protégés, 1 is a French protégé, and 1 a German protégé.

Fully two-thirds of the electors attended and voted, a good attendance I think, when it is remembered that the elections were held in the early forenoon, that the present is the month of Ramadan, which, owing to the hot weather and long days is, just now, peculiarly trying.

The New Fez election was of little interest, as that district is inhabited by soldiers' families, palace dependants, and country people, even the notables, of whom can scarcely understand, as yet, so novel a proceeding.

In Old Fez, however, the elections raised much general interest, and keen feeling was shown amongst the electors when the voting took place, especially for the Andalousiyine quarter.

This is the largest of the districts, and contains the residences of many past and present officials, leading merchants, the French military and civil offices, and the consulates, and the electors include many eminent Shereefs, Ulema, and the like.

The general opinion expressed was that the best men to choose would be young men accustomed with Europeans and the new ways of things, and this was clearly marked by the votes given. This was particularly the case as regards the British protégés. They had been more carefully instructed in the scheme beforehand, and were the most diligent in explaining it to others, so it was natural that they should be thought suitable to work it. The persons elected are all comparatively young—say from 28 to 44 years of age. So far as I have been able to learn, there was no canvassing for votes, and, naturally, there has been no time yet for parties to come into existence.

At the Andalousiyine election, however, excitement ran quite high, and was increased by a second ballot being necessary for the second and third places. Several elderly merchants, who appeared to have expected election as a matter of course, but who obtained scarcely any votes in either of the two ballotings, positively wept with chagrin. A few of them made futile technical objections, *e.g.*, tried to make out that one of the successful men's house was not inside the Andalousiyine district, while others alleged suspiciously, that voting papers might have been brought ready filled up, to the meeting, and insisted upon a fresh scrutiny. The only result of this was to prove that all the papers were the stamped ones issued on the spot, and to confirm the general opinion of the absolute fairness of the proceedings. One disappointed man, Mulai Ali Kitiri (a French protégé), lost his temper so far as to shout, that at the next

election he would come with eighty-four sure men, paid to vote for him, an outburst which excited much laughter and was followed by better feeling, congratulations all round and so forth.

The three British protégés elected are all merchants in British goods chiefly and who have lived in Manchester for periods of years.

The French officials seem highly pleased with the elections. As the seven official members of the council may be expected to "vote French," the French authorities are, I am sure, sincerely glad that only one French protégé was elected, for the result has silenced the grumblings of many people who were saying that nobody but a French protégé would have a chance.

The persons elected were presented to the Sultan yesterday afternoon, and were received also by General Gouraud, and at the ensuing Moslem Festival Parade, the whole of the municipality are to have a place, accompanying the Sultan, next to the court functionaries.

They will, presumably, begin their duties in ten days or so, *i.e.*, after the ensuing Moslem festival, and it should be of peculiar interest to see how this experiment in "Moorish local self-government" works under the most Oriental conditions which prevail at Fez.

The presence of British protégés on the council will, I hope, be useful towards our having sure information on local matters affecting trade, &c., and also towards the promotion of philanthropic objects in which the British public is interested, such as the amelioration of prisons and the like.

I have, &c.
J. M. MACLEOD.

Enclosure 2 in No. 127.

Complete Results of Elections for Moorish Municipality of Fez.

(Each Voter has Three Votes.)

Elections held on September 8, 9, 10, *and* 11, 1912, *respectively.*

Lemtiyine Quarter.

Total voters on roll, 115. Voters present, 79.

Hadj El Hadi R'Ollab (French protégé)	40	Councillors.
Hadj Tahar Ben-el-Amin (non-protégé)	35	Councillors.
Sid Mehdi Ben Cheqroun (non-protégé)*	32	"Suppléant."

Andalousiyine Quarter.

Total voters on roll, 136. Voters present, 93.

Sidi Hamza-el-Tahari (British protégé)	39	Councillors.
El Hadj Mhemed Ben Zakour (German protégé)* ...	39	Councillors.
Sid Omar-el-Hajoui (British protégé)*	33	"Suppléant."

Adwa Quarter.

Total voters on roll, 83. Voters present, 56.

Sidi Ghalli-el-Amrani (Italian protégé)	38	Councillors.
Mohd Ben Abdelmejid Benjeloun (British protégé) ...	24	Councillors.
Sid Ahmed Ben Haj Tahami Ben Cheqroun (Italian protégé)	19	"Suppléant."

* Second ballot.

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New Fez Quarter.

Total voters on roll, 40. Voters present, 30.

Hadj Mehdi-el-Araiehi (non-protégé)	...	... 15	Councillors.
Sidi Mohammed-es-Souaf (non-protégé)	...	... 11	Councillors.
Hadj Hamed-el-Belr'imi (non-protégé)	...	... 9	"Suppléant."

It will be seen that the twelve persons thus elected are composed as follows:—

Five non-protégés, three British protégés, two Italian protégés, 1 French protégé, one German protégé.

NOTE.—The various number of votes given to unsuccessful candidates are not mentioned herein.—J.M.M

Notes.

(*a.*) Merchant. Some years resident in Oran.
(*b.*) Merchant. Has a house in Manchester. Resided there several years and lived in Marseilles for some years.
(*c.*) General merchant.
(*d.*) Merchant, 37 years old. Partner in Hadj Madani Tazzi and Brothers, Manchester. (Arabic scribe of British vice-consulate, Fez, 1892–95. Resided some nine years in Manchester. Speaks and writes English, and is official interpreter to British consulate, Fez).
(*e.*) Merchant. Agent for various large German firms. Has been very little abroad, but is a most intelligent man.
(*f.*) Merchant, 29 years old. Resided some few years in Manchester, where his father resided for very many years, is brother of Vizier for Schools, &c.
(*g.*) General merchant, 44 or so. In much request as arbitrator in disputes. Has not been abroad, but is a well informed man as Moors go.
(*h.*) Merchant, 35 or so. Has resided in Manchester for various periods of years.
(*i.*) Merchant.

Method of Voting.—The voter writes the three names he chooses on a ticket supplied at the election meeting. This is folded up and handed to the governor, who presides. When all the tickets have been handed in, they are read out by the governor and held up for public inspection, and then the votes are noted by notaries. To be elected, the person must have received votes equal to at least a third of the number of electors present. If the first voting does not give such a third to any person, a second ballot is taken. The person receiving the third greatest number of votes is thereby elected "suppléant." When ties occur a second ballot is taken.

Theoretically, the system by which the "suppléant" is the person who gets the third greatest number of votes (provided these amount to a third of the number of the electors present) seems faulty. Should he have to act for a councillor, he will really be representative of a minority and not of a majority of the electors. I understand that the present plan was adopted, however, so as to content as many aspirants to those positions as possible, and to console minorities who might not have succeeded in electing their friends as councillors.

[39860] No. 128.

Sir Edward Grey to Mr. Kennard.

(No. 126.)
Foreign Office, September 30, 1912.

Sir,

I HAVE discussed with Sir R. Lister in London the question of the Tangier waterworks, which forms the subject of your despatch No. 244 of the 14th instant.

Sir R. Lister has explained that in June last he had some conversation on the subject with M. Porché, who promised to give him a memorandum. As this memorandum was not ready when Sir R. Lister left Tangier, he suggested to M. Porché that it should be given to you by transmission to the Foreign Office, where, if necessary, the matter could be discussed in consultation with himself. I observe that

M. Porché did not act on this suggestion, but seems to have endeavoured to rush the project through in Sir R. Lister's absence.

Sir R. Lister considers that, as the matter has waited so long, it would be best for His Majesty's Government to adhere to their attitude that it should be allowed to stand over until the municipality is established. I concur in this view, and I approve your action in demanding the postponement of the project for the present.

I am, &c.
E. GREY.

[41050] No. 129.

Mr. Rennie to Sir Edward Grey.—(Received October 1.)

(No. 151. Confidential.)
Madrid, September 27, 1912.

Sir,

IN consequence of the move back to the capital and the ceremonies in connection with the death of the late Infanta Maria Teresa, the conversations regarding the Morocco convention between the Minister of State and the French Ambassador were not resumed until yesterday.

The position of affairs regarding the *forfait* to be provisionally substituted for the lines of transit is now as follows:—The Spanish Government offered, through their Ambassador in Paris, to increase the sum from 125,000 fr. to 300,000 fr.—an amount which I understand from M. Geoffray that he himself also suggested privately to the French Foreign Office that it might be well to accept. The French Government have replied that the sum must remain fixed at the original figure of 500,000 fr., but offer that, in the event of the customs dues that would otherwise be payable to the French zone not reaching that amount, the difference shall be refunded, with interest, to the Spanish Government. Señor Garcia Prieto is consulting with the Minister of Finance as to whether this compromise shall be accepted.

As regards the question of the rectification of the frontier line on the Muluya River, Señor Garcia Prieto told M. Geoffray that he is ready to meet the wishes of the French Government.

When I saw him to-day, the Minister of State seemed to consider that the convention was now practically arranged. I understand that he and the Ambassador have already discussed as to whether it should be actually signed, or if it should be only initialled. This point is not yet actually settled, as there seems to exist a slight feeling of anxiety lest the German Government might not possibly raise some difficulty were the convention published duly signed and completed before having been submitted in some way to them.

The French Ambassador was instructed a few days ago to bring to the notice of the Spanish Government a fresh incident that had occurred between the Spanish consul at Safi and the French military authorities. Neither Señor Garcia Prieto nor M. Geoffray seemed to attach much importance to the affair, though both appeared not unnaturally somewhat annoyed that another such question should have arisen directly after that of the consuls at Mazagan and Mogador had been settled. The Minister has promised to investigate the facts of the case.

I have, &c.
ERNEST RENNIE.

[41496] No. 130.

Mr. Rennie to Sir Edward Grey.—(Received October 3.)

(No. 96.)
(Telegraphic.)
Madrid, October 3, 1912.

MOROCCO Convention.

Slight hitch has occurred in the negotiations. French Government maintain demand for 500,000 fr. yearly "forfait." This Spanish Government seem to be disposed to entertain, and have asked for formula. Rectification of frontier on River Muluya now further demanded beyond line which Spanish Minister for Foreign Affairs had already informed French Ambassador that he was prepared to agree to. He points out that this will deprive Spain of domination over important frontier tribe and is therefore, difficult to concede.

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ALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON

Yesterday evening King of Spain spoke to me earnestly of situation in which his Government were being placed. Military authorities of Melilla are being consulted, but it is expected they will be opposed to any further concession in this direction. In the absence of Minister for Foreign Affairs Spanish reply will not be given until Saturday.

[41657] No. 131.

Mr. Kennard to Sir Edward Grey.—(Received October 5.)

(No. 252.)

Sir, *Tangier, September* 26, 1912.

I HAVE the honour to report that Raisuli mentioned, while visiting this legation, that he had considerable difficulty in maintaining order among the tribes in his district, owing to the fact that many robbers and other criminals escaped into the Tangier district, and even came into the town itself with absolute impunity. The kaïd has frequently made representations to the Commissioner for Foreign Affairs and the basha, and has requested the arrest of the offenders, but practically no steps have been taken by either of these officials to meet his wishes. On one occasion the basha arrested a number of the persons indicated, but after obtaining a sum of money from each of them he immediately released them without punishment. The kaïd was advised to see Sid Guebbas, and to renew his representations on the subject, A day or two later he informed me that he had seen Sid Guebbas, who had suggested that I should speak with my French colleague on the subject, as the basha would pay no heed to any instructions except those of his father, the Grand Vizier, who could be urged by the resident-general to take the necessary steps in this respect. Sid Guebbas, in a conversation with Mr. Irwin, asked that Raisuli be requested to give him a list of the villages and individuals concerned, and promised to send it on to the basha for any action he may take. It is highly improbable that Hadj Mokhtar Mokri will, on receiving this list, do anything to bring the offenders to justice unless pressure be put on him from some other source.

I took the opportunity of a visit to my French colleague to mention the matter to him, and to state that it seemed imperative that the basha should be dismissed. M. Martin replied that he was aware of Hadj Mokhtar's behaviour, and had drawn the attention of the resident-general to it. He did not, however, like to suggest his dismissal, as he feared that his colleagues would consider such a proposal an undue interference in the affairs of Tangier. I replied that I thought that all my colleagues would approve such a proposal, and suggested that he should discuss the matter with them.

It seems necessary in connection with this question to draw your attention to the anomalous position of Tangier at present and the lamentable state of affairs resulting therefrom. Until the municipality is established here, the only authorities are the Makhzen officials, Hadj Mokhtar Mokri and Sid Guebbas, who, in addition to being entirely unsuited for their posts, only act on instructions from the Grand Vizier, who in turn does nothing without consulting the residency-general. Sid Guebbas has even informed Mr. Irwin in confidence that he has instructions to consult the French Legation here in all matters. This legation has lately experienced great difficulty in dealing with cases here owing to the unwarranted interference of the French dragomanate. This situation is bad enough in itself, but is accentuated by the fact that the staff of the French Legation are most unsatisfactory to deal with, and invariably favour the interests of their *ressortissants* to the detriment of justice.

I hear from Dr. Verdon that Mulai Hafid has informed him that at the request of the French authorities he had granted before his abdication large tracts of Makhzen lands here to persons who had been of service to France, M. Regnault's cook not being excluded. Mulai Hafid even laughingly said that there were of course no Makhzen or Habous properties left here at all. It is further said that many of the Government buildings here have been given to Sid Guebbas, who is merely a tool of the protectorate; but I cannot confirm this rumour, though it seems in consonance with other proceedings which are taking place.

I have already reported on the efforts which are being made by the Public Works Department to rush through schemes which would benefit the French speculator and involve the future municipality in undesirable financial obligations. A press campaign has now been started against the corps diplomatique for obstructing the progress of Tangier, and allowing personal interests to stand in the way of works for the public

benefit. I have, however, never seen any expressions of a desire for the establishment of the new authority, and little indignation is felt at the delay in the conclusion of the Tangier negotiations for reasons which are obvious. The longer the present chaos and anarchy lasts, the more opportunity there will be for the speculator, in concert with the corrupt Makhzen officials, to profit thereby.

The refusal of the basha to apprehend and punish fugitives from the turbulent Anjera and the tribes which lie to the south-east of this district renders it likely that the Tangier district will become a place of refuge for every kind of criminal who can remain here with impunity, provided he has paid his bribe. I hear that it is thought unsafe to travel outside this town after nightfall, and many cases of robbery are reported in the Fahs. The extra-urban police, who are under French instructors, do little except parade as an escort for the basha at festivals, and occasionally alarm the town by boisterously demanding the redress of their grievances.

I fear that there will be no improvement in this state of affairs until the negotiations at Madrid are brought to a conclusion. If the dismissal of the basha were insisted upon, he would probably only be replaced by some unsatisfactory nominee of the Grand Vizier, though any change would be for the better. The matter seems to be too delicate a one to form the subject of representations to the French Government, and the instances which can be quoted of undue influence being exerted by the French Legation here are not sufficiently concrete to form a basis of complaint. The real remedy undoubtedly lies in the establishment of the new authority. It will then, perhaps, be too late to save the lands, which should rightfully belong to the municipality, and to prevent many questionable transactions over which one can now have no control. It will, however, be possible to sweep away the corrupt and incapable Makhzen administration, and to insist on impartial treatment for all foreign subjects and natives. Finally, it is to be hoped that the security of the district, which is at present serving as a place of refuge for offenders from the lawless tribes which surround it, will be ensured by adequate police measures and the proper administration of justice.

I have, &c.

H. W. KENNARD.

P.S.—I should mention that Raisuli further stated to me that he finds it increasingly difficult to restrain the mountain tribes in his jurisdiction from coming down to the Fahs to take vengeance on the robbers and murderers who have taken refuge in the district, as they find that justice is denied to them by the Makhzen officials here. He, however, promised me to continue to use his influence to prevent them taking the matter into their own hands, and he assured me that, if the basha could be brought to arrest a few of the offenders, he would be able to keep the tribesmen from fulfilling their threat.

H. W. K.

[41660] No. 132.

Mr. Kennard to Sir Edward Grey.—(Received October 5.)

(No. 255.)

Sir, *Tangier, September* 28, 1912.

WITH reference to my despatch No. 243 of the 14th instant, I have the honour to transmit herewith copy of a report which has been furnished to each legation by the State engineer on the programme of road construction, which was provisionally approved by the corps diplomatique at the meeting of the 14th instant.*

The report contains explanatory notes on the various items of the programme, and certain additions are made thereto, notably in the reinsertion of the transversal between the Fez road and the "boulevard axial" (No. 7), which will lead to the non-existent Collège de France, and which M. Porché has the good grace to remark will pass his own house. These additions bring up the total expenditure to one of 1,168,000 fr., instead of 1,038,000 fr., as originally modified.

The most unsatisfactory part of M. Porché's report is that relating to the finances of the Caisse spéciale. On p. 9 he states that it has proved impossible to obtain figures as to the annual receipts of the caisse, either from the Contrôle de la Dette, which controls the customs, or the Banque d'État, which holds the funds of the caisse. This appears to me an amazing statement, more especially in view of

* Not printed

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article 2 of the "Règlement sur le Budget de la Caisse spéciale," which provides that the budget must be established before the 1st January of each year; it is difficult to see how a budget can be drawn up unless the annual receipts and the surplus or deficit, &c., be known. All M. Porché's figures are approximate, and in many cases very vague. He estimates that the total receipts of the Caisse spéciale from 1908, the year of its foundation, to the 31st December of this year, will be 10,000,000 fr., while the expenditure from the caisse has been 5,000,000 fr. There is therefore a surplus of at least 5,000,000 fr., or, with advances which the caisse has made on the future "taxe urbaine," 6,860,000 fr. Presumably the expenditure on works which have been given to adjudication, but for which payment has not yet been made, must be deducted from this surplus, though no mention thereof is made in the report.

M. Porché then states that an expenditure of 7,500,000 fr. should be made on works at the different ports, of which he gives no details, and amongst which he does not include Tangier or Casa Blanca. As these works, which have not yet been approved, could not be completed within at least two or three years, he considers that the receipts of 1913 and 1914, amounting to 3,000,000 fr. per annum, could be employed for these works. He forgets that when the Franco-Spanish and Tangier negotiations have been concluded the receipts of the caisse will presumably be divided among the three zones. No mention is made of the financing of the road project, but attention is drawn to the interest of 3 per cent. which the Banque d'État should have paid on the receipts of the caisse and the sums advanced by the latter for the lighter service, which should be reimbursed by the Contrôle de la Dette, who are responsible for this service.

M. Porché's report was to have been discussed at a meeting of the corps diplomatique on the 26th instant, but our German and Spanish colleagues requested a postponement of the meeting in order that they might have time to consider it. It was therefore with great surprise that I received an urgent circular letter from the doyen yesterday, stating that it was proposed to approve the road programme at a meeting of the Comité spécial on the 5th October, and requesting that the members of the corps diplomatique should therefore immediately make their observations on the report. Instead of sending the circular first to his German and Spanish colleagues, Señor Depretis forwarded it to his French colleague, who accepted the programme without observation. Similar annotations were made by the Russian, Belgian, and Dutch chargés d'affaires, and it was only when it reached me that my German colleague came to see me and expressed his indignation at the action of our Italian colleague, who has instructions to always act in concert with Herr Rhomberg.

I made an annotation on the circular, drawing attention to the unsatisfactory nature of M. Porché's explanations regarding the finances of the caisse spéciale. I pointed out that in the estimate of the expenditure necessary for the different ports no mention is made of Casa Blanca, although the corps diplomatique have never been officially informed that the adjudication of 3,000,000 fr., which it approved on the 8th June, has been annulled, and finally suggested that before approving the road programme we should be furnished with more precise details as to the revenue and expenditure of the caisse, and the manner in which it was proposed to finance the programme in order that we should avoid any possibility of involving Tangier in future financial obligations. I then saw my German, Spanish, Portuguese, and American colleagues, and ensured their supporting my annotation.

It is to be hoped, therefore, that the extraordinary efforts which are being made to rush through this scheme with such unseemly haste may be frustrated. The roads in question are no doubt urgently needed for Tangier, but a comprehensive scheme of this kind cannot be hurriedly approved until the financial and other details have been thoroughly examined. I have further had occasion to notice that in certain roads now under construction here the specifications of the "cahier des charges" are not being properly fulfilled, and the macadam is of a most unsatisfactory nature. It is unfortunate that the doyen and some of my colleagues should fail to realise their responsibility in the matter of the Caisse spéciale, and should allow themselves to be persuaded by persons who are for some strange reason anxious to obtain the approval of public works without due consideration being given to them, to act in a manner which is prejudicial to the prestige and authority of the corps diplomatique, more particularly at a moment when it consists only of chargés d'affaires, who should be all the more on their guard against efforts to carry through questionable schemes in the absence of their Ministers.

I have, &c.

H. W. KENNARD.

[41995] No. 133.

Note communicated by M. Cambon, October 7, 1912.

LE Comité spécial des Travaux publics du Maroc a récemment invité l'ingénieur en chef, M. Porché, à lui soumettre à bref délai un projet d'adduction des eaux pour la ville de Tanger.

Au moment où ce projet allait être remis, le chargé d'affaires d'Angleterre a prié M. Porché de ne pas déférer au désir du Comité spécial des Travaux publics. Mr. Kennard a donné pour raison de cette démarche des instructions reçues par lui du Foreign Office et déclaré que la discussion de ce projet serait désagréable au Gouvernement britannique. Dans une réunion du corps diplomatique, ayant pour objet l'étude d'un programme de travaux publics pour la ville de Tanger, le chargé d'affaires d'Angleterre a observé la même attitude dilatoire.

L'Ambassadeur de France a été chargé par son Gouvernement d'appeler l'attention du Secrétaire d'État pour les Affaires Étrangères sur les graves inconvénients que présente l'opposition faite par Mr. Kennard à l'exécution de travaux publics à Tanger, notamment à l'adduction des eaux dans cette ville. Ces travaux sont attendus avec impatience par la population tangéroise. Ils sont réclamés avec insistance par le Comité spécial des Travaux publics, qui, à la suite de l'ajournement demandé par Mr. Kennard du projet d'adduction des eaux, a renouvelé à M. Porché l'injonction de lui soumettre ce projet. L'ingénieur en chef ne peut ni passer outre à ce vote du comité compétent, ni objecter que son projet n'est pas encore prêt, alors que le contraire est parfaitement connu.

Le Ministre des Affaires Étrangères de la république ne s'explique pas de quelle raison procède l'opposition de la Légation britannique à divers projets de travaux publics, notamment à l'adduction d'eaux à Tanger. Si c'est du désir de réserver à la future municipalité la mise à exécution de ces travaux, M. Poincaré fait observer que les traités actuellement en vigueur offrent autant de garanties d'impartialité que la municipalité internationale; et qu'il n'y a pas là une raison suffisante pour retarder une entreprise ayant un réel caractère d'urgence.

Pour répondre au désir de son Gouvernement, l'Ambassadeur de France serait très reconnaissant à son Excellence Sir Edward Grey de bien vouloir examiner cette question dans un esprit amical et inviter le chargé d'affaires britannique à Tanger à cesser son opposition aux projets en cours de discussion.

Ambassade de France, Londres,
le 4 octobre, 1912.

[41997] No. 134.

M. Cambon to Sir Edward Grey.—(Received October 7.)

Ambassade de France, Londres,
le 5 octobre, 1912.

M. le Secrétaire d'État,

PAR une lettre en date du 26 septembre dernier, votre Excellence a bien voulu me faire savoir que le Gouvernement britannique n'élevait pas d'objection contre l'adjudication globale des travaux du port de Casablanca et m'exprimer le désir que le Gouvernement français fît tout ce qui dépendrait de lui pour mener rapidement cette entreprise à bonne fin.

Une nouvelle communication, que je viens de recevoir de Paris à ce sujet, me permet de fournir à votre Excellence quelques précisions sur la nature des travaux à exécuter et sur les moyens les plus propres à en hâter l'exécution.

Les travaux qu'il est indispensable de mettre sans délai en adjudication, pour répondre aux besoins urgents du commerce international, peuvent se résumer comme suit:—

1. Prolongement sur 1,650 mètres de la grande jetée longitudinale déjà exécutée sur 350 mètres, en la continuant d'abord sur sa direction actuelle, puis en la retournant parallèlement à la rive.

2. Première jetée transversale, délimitant avec la précédente le premier grand port, dans laquelle serait ménagée la passe d'entrée de 250 mètres de largeur, ladite

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jetée mesurant au total 1,550 mètres (150 du côté ouest de la passe et 1,400 du côté est).

3. Au fond de l'abri ainsi obtenu, un petit port à remorqueurs et barcasses constitué par deux petites jetées, l'une nord-sud, qui sera, à la fin de la campagne actuelle, construite sur 120 mètres, l'autre est-ouest de 250 mètres de longueur.

La dépense prévue pour cet ensemble d'ouvrages, déduction faite des tronçons déjà exécutés, est de 40,000,000 de francs environ. L'exécution de ces travaux satisfairait non seulement aux besoins actuels, mais même à ceux à prévoir d'ici un certain nombre d'années, car les abris ainsi assurés au matériel d'aconage dans le petit port, aux navires de haute mer dans le grand port, suffiraient à un trafic d'environ 2,000,000 de tonnes.

Ultérieurement pourrait être exécuté un deuxième grand port, dont le prix approximatif reviendrait à 30,000,000 de francs.

Les besoins du commerce international nécessitent l'exécution, dans le plus bref délai possible, du grand port de 40,000,000 de francs. Or, ces travaux ne peuvent être rapidement exécutés que si l'on assure aux chantiers leur rendement maximum et si on les organise dans le délai minimum.

La première de ces deux conditions ne peut être réalisée que si l'on a recours à un marché unique. En effet, l'on ne dispose aux abords du port que d'emplacements trop restreints pour que plusieurs adjudicataires puissent s'y installer à la fois. En outre, les travaux à la mer exigent l'emploi d'un matériel très coûteux évalué à 5,000,000 ou 6,000,000 de francs. La scission de l'entreprise en deux sections ou plus obligerait chacun des adjudicataires à recourir à un matériel de fortune imparfait et insuffisant.

Quant à la seconde condition—organisation des chantiers dans un délai minimum—elle ne peut être réalisée que si l'adjudication a lieu à la fin de février au plus tard. La mise en adjudication pourrait avoir lieu dans les derniers jours du présent mois. De la sorte, il resterait aux soumissionnaires un délai de 120 jours, ou quatre mois, pour examiner l'affaire et arrêter leur proposition. C'est la seule manière d'assurer l'entrée en fonctionnement des chantiers au début du moi de mai prochain.

Je me permets d'appeler l'attention de votre Excellence sur l'intérêt primordial qu'il y a à ne pas allonger ce délai de 120 jours. Toute prolongation risquerait de retarder d'une année encore l'exécution des travaux du port de Casablanca et légitimerait les réclamations du commerce international. Ce délai, conforme à celui qui avait été adopté par le corps diplomatique lors du projet primitif, sera, d'ailleurs, le même pour les ressortissants de toutes les Puissances, et les entrepreneurs anglais qui peuvent s'intéresser à l'affaire ne sont pas éloignés du Maroc que leurs confrères français.

J'espère donc que votre Excellence reconnaîtra que le désir exprimé par le Gouvernement français de ne pas dépasser le délai répond uniquement à la préoccupation d'assurer aux nationaux de tous les pays les satisfactions qu'ils ont maintes fois réclamées avec insistance au sujet du port de Casablanca.

J'ai été chargé par mon Gouvernement de solliciter de votre Excellence l'envoi au chargé d'affaires britannique à Tanger d'instructions conforme aux vues du service marocain des Travaux publics.

Veuillez, &c.
PAUL CAMBON.

[42070] No. 135.

Mr. Rennie to Sir Edward Grey.—(Received October 7.)

(No. 97.)
(Telegraphic.) *Madrid, October 7, 1912.*

MOROCCO Convention.

My immediately preceding telegram of 3rd October.

Minister for Foreign Affairs tells me that Spanish Government have decided that they can go no further than to concede to France ford of River Muluya and 1 kilom. beyond. Extension asked for by French Minister for Foreign Affairs cannot be granted for reasons given in my despatch No. 154. Both King and War Office are agreed on this point, and commander-in-chief at Melilla is opposed even to this concession.

As regards "forfait" French Ambassador last night submitted two formulas.

Formula A suggests division of "forfait" into two headings, namely, 300,000 fr. for western ports in Spanish zone, and 200,000 fr. for Mediterranean ports. No mention is made of interest on sums repayable to Spain. Apart from this latter point, which, however, he is prepared to waive, Minister for Foreign Affairs points out that present proposal is more unfavourable to Spain than previous proposal, namely, for 500,000 fr. for all customs duties subject to reductions. He intends proposing to French Ambassador acceptance of formula modified in the sense of previous proposal.

Formula B suggests abolition of "forfait," France taking whole of the Tangier customs after deducting the amount falling due to municipality. He points out that though this arrangement might be financially more advantageous to Spain, it means that France would practically control Tangier customs-house, and consequently gain preponderating position in that port. This would be opposed to both Spanish and British interests. He accordingly proposes not even to discuss this formula with French Ambassador.

He is instructing Spanish Ambassador in London to explain situation.

[42236] No. 136.

Mr. Rennie to Sir Edward Grey.—(Received October 8.)

(No. 98.)
(Telegraphic.) R. *Madrid, October 8, 1912.*

MY immediately preceding telegram of 7th October: Franco-Spanish negotiations.

At interview last night Spanish Minister for Foreign Affairs informed French Ambassador that he would accept formula respecting "forfait" in slightly modified form. He made this however depend on acceptance by French Government of Spanish line frontier line on River Muluya. He was unable to yield on this point and sooner than accept demand of the French Minister for Foreign Affairs he would break off negotiations.

Immediately after telegraphing this reply to Paris, French Ambassador received instructions to insist on demand for extensive frontier on River Muluya.

Position of negotiations again appears critical. Could French Government be urged to accept in place of their more extensive demand Spanish line which is one already discussed and almost decided on between French Ambassador and Spanish Minister for Foreign Affairs?

[42509] No. 137.

Sir Edward Grey to Sir F. Bertie.

(No. 544.)
(Telegraphic.) *Foreign Office, October 9, 1912.*

FRANCO-SPANISH negotiations respecting Morocco are again in a critical state owing to further French demands. These relate to customs receipt and to rectification of frontier near Muluya, which would give to France a strip of 3 kilom., comprising an important ford over the river. Spain is ready to agree to the heavily increased annual payment in respect of the customs (500,000 fr.). She will also concede 1 kilom. on the Muluya, including the ford. The rest of the territory asked for she declares it quite impossible to abandon, as it contains the only route from that part of the coast to the interior which has any water supply. Moreover, it is the seat of a powerful chief on whom Spanish authorities most rely to keep order among important tribe.

King and Government of Spain are anxious to conclude agreement before Cortes meet on 14th October, and France is believed to be taking advantage of the situation to press for constantly growing concessions. But if France will not accept latest Spanish proposal, Spain feels that she would rather abandon the agreement altogether than submit to further demands.

I understand that the irritation at Madrid is extreme, and Spanish Government have appealed for our support. I trust your Excellency may be able to induce French Government to show moderation, and not to jeopardise both the agreement and the general good relations with Spain by insistence on these fresh demands.

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[41657] No. 138.

Sir Edward Grey to Sir F. Bertie.

(No. 493.) *Foreign Office, October* 9, 1912.

Sir,

I TRANSMIT to your Excellency herewith a copy of a despatch from His Majesty's chargé d'affaires at Tangier respecting the situation in that district.*

I should be glad if your Excellency would bring to the notice of the French Government the state of lawlessness prevailing in the Tangier district, which, according to reports from His Majesty's Legation, is due to the apathy and connivance of the Basha of Tangier and the Sultan's commissioner, and the failure of the rural police to take any action. As these two Moorish officials avow their absolute dependence on the French authorities, His Majesty's Government trust that the latter will be directed to insist on their doing their duty.

I am, &c.
E. GREY.

[41997] No. 139.

Sir Edward Grey to M. Cambon.

Foreign Office, October 9, 1912.

Your Excellency,

I HAVE the honour to express my thanks for the information relative to the Casa Blanca harbour works contained in the note which you were good enough to address to me on the 5th instant.

His Majesty's Government learn with much pleasure that steps are at last going to be taken to invite tenders for these works, the urgent importance of which His Majesty's Legation at Tangier has not ceased to impress on the Morocco State engineer for a long time past. His Majesty's Government have never contemplated raising any objection to the notice of the contract being fixed at 120 days, since this length of notice is within the terms of the adjudication regulations. Their preoccupation since the question of the Casa Blanca harbour works was first raised has been to ensure their proper execution after the contract has been awarded in accordance with the regulations.

I have, &c.
E. GREY.

[42648] No. 140.

Sir F. Bertie to Sir Edward Grey.—(Received October 11.)

(No. 165.)
(Telegraphic.) R. *Paris, October* 10, 1912.

I HAVE this evening made representations to Minister for Foreign Affairs in the sense of your telegram No. 544 of last night, concerning Franco-Spanish negotiations.

His Excellency says that Spanish offer to give way in regard to French claim for 500,000 fr. on account of customs is illusory, as the Spanish Government have put forward a claim for a repartition of the Morocco debt, which would throw an additional burden of 320,000 fr. per annum on France, thereby reducing the 500,000 fr. French customs benefits to 180,000 fr. If the Spanish Government withdraw demand for a repartition of debt, customs claim may be considered as settled.

In regard to Muluya, Minister for Foreign Affairs says that French Government gave up Mont Ghani in order to obtain delimitation of Muluya such as they now claim, and that no fresh claim is made.

His Excellency states that French Government are most desirous of concluding an agreement with Spain, but that Spanish Government is continually raising fresh issues, and that, as tribe referred to in your telegram inhabits the French zone, it is essential that residence of the chief should be also comprised in it. He cannot therefore accede to Spanish claim as regards 3 kilom. near ford.

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* No. 131.

[42662] No. 141.

Mr. Rennie to Sir Edward Grey.—(Received October 11.)

(No. 99.)
(Telegraphic.) *Madrid, October* 10, 1912.

MY immediately preceding telegram of 8th October: Morocco.

I saw Minister for Foreign Affairs this morning and found him very pessimistic over the negotiations. I told him that His Majesty's Ambassador at Paris had been instructed to speak about Muluya question. His Excellency said that he had been patient enough, he had been badly treated over the question of the consuls, French Government were always making fresh demands, and he could not appear before the Cortes on the 14th and say that the negotiations were not yet concluded. He talked wildly and excitedly about a rupture and of resigning office. I endeavoured to calm him, but I cannot say with what success.

I have since seen French Ambassador, who is instructed to adhere to demand for French line on the Muluya. According to French map, line claimed by Spain concedes to Spain territory in excess of that defined by line discussed between Minister for Foreign Affairs and French Ambassador. On the other hand, French line undoubtedly goes beyond what French Ambassador had asked for, and includes Sidi Marouf, residence of important tribal chief already alluded to.

If Spanish Minister for Foreign Affairs continues in his present frame of mind, there is an undoubted chance of negotiations being broken off. Minister for Foreign Affairs will be absent to-morrow, and will not receive till Saturday. May I convey then to his Excellency some message of encouragement and some further expression of willingness to lend good offices on the part of His Majesty's Government? I think this might be very useful in the present situation.

(Repeated to Paris.)

[42662] No. 142.

Sir Edward Grey to Mr. Rennie.

(No. 79.)
(Telegraphic.) R. *Foreign Office, October* 11, 1912.

PARIS telegram No. 165 of 10th October: Morocco.

You can inform Spanish Minister for Foreign Affairs of step taken by Sir F. Bertie at Paris, and of substance of French reply to him. It is impossible for us to form an opinion on respective merits of French and Spanish contentions. Tell Minister for Foreign Affairs how greatly His Majesty's Government would deplore any action which would lead to a rupture of the negotiations, and how earnestly they hope that he will be able to find a solution of the present difficulty.

(Repeated to Paris, No. 560.)

[42827] No. 143.

Mr. Kennard to Sir Edward Grey.—(Received October 12.)

(No. 104.)
(Telegraphic.) R. *Tangier, October* 12, 1912.

MY despatch No. 244 of 14th September.

In absence of M. Porché, who may not be responsible, Public Works Committee has summoned meeting to consider waterworks project. I have insisted on postponement, and meeting has been cancelled.

Though I have not seen details, I understand that there are many most objectionable features in the scheme. Report will follow later.

[41995] No. 144.

Sir Edward Grey to M. Cambon.

Foreign Office, October 14, 1912.

Your Excellency,

I HAVE given careful consideration to the memorandum which your Excellency was good enough to communicate to me on the 4th instant, complaining of the attitude

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of His Majesty's chargé d'affaires at Tangier towards certain schemes laid before the diplomatic body in that town by the Special Committee of Public Works.

Your Excellency will no doubt remember that in the memorandum which you communicated to the Foreign Office on the 2nd May last, you enquired whether His Majesty's Government proposed to reserve for the future Tangier municipality the call for tenders for waterworks, electric lighting, tramways, &c., and that I replied in the affirmative in my note of the 10th May. The reason which prompted His Majesty's Government to adopt this attitude was that undertakings of this nature must obviously be brought under the direct control of the municipality as soon as it is set up, and a difficult situation would be created if meanwhile important vested interests had been allowed to grow up which the municipality might be compelled to expropriate at a heavy cost.

M. Porché, the Makhzen State engineer, was also duly informed at the time of the views of His Majesty's Government. In the course of the summer he explained to His Majesty's Minister at Tangier his plan for linking tramways, &c., with the waterworks in one large scheme, and he promised to give His Majesty's Minister a memorandum on the subject. As this memorandum was not ready when His Majesty's Minister went on leave, the latter asked M. Porché to give it to Mr. Kennard, His Majesty's chargé d'affaires, who would communicate accordingly with the Foreign Office.

Mr. Kennard never received any memorandum, and it was not till the 9th September last that he learnt unofficially that a project for waterworks, tramway service, electric light, and power stations and gasworks was to be laid before the special committee in a few days. In view of the fact that M. Porché was fully aware of the opinion of His Majesty's Government on the subject, Mr. Kennard was naturally surprised that no previous warning or intimation had been given to him; and on ascertaining that it was actually intended to submit the project, he telegraphed to London for instructions.

His Majesty's Government, far from modifying their previous opinion, were confirmed therein on learning that the cost of this project and that of an elaborate scheme of roads, estimated together at many millions of francs, was to be met from the funds of the Caisse spéciale, and that it was further proposed to give the concessionnaire of the waterworks a financial guarantee to ensure him against any loss during the first few years. His Majesty's Government are still awaiting a detailed statement of the receipts and expenditure of the Caisse spéciale, the funds of which, as your Excellency is no doubt aware, are drawn from the 2½ per cent. customs surtax authorised by the Act of Algeciras; but, in any case, these projects would apparently have swallowed up the bulk of the funds available from the Caisse spéciale, and would thus, if adopted, have almost certainly alienated one of the most important sources of municipal revenue before the municipality had come into existence.

His Majesty's Government fully recognise the importance and necessity of these public works, which must of course eventually be carried out; but they cannot admit that after all these years they have now become so urgently required as to necessitate their immediate execution before the municipality has been established, and on the basis of plans which so far as known are open to grave criticism.

I have, &c.
E. GREY.

[41660] No. 145.

Sir Edward Grey to Mr. Kennard.

(No. 132.)
Sir, *Foreign Office, October* 15, 1912.

I HAVE received your despatch No. 255 of the 29th ultimo transmitting a report by the Morocco State engineer relative to certain public works to be executed from the funds of the Caisse spéciale.

I share your astonishment at M. Porché's statement that it has proved impossible to obtain figures as to the annual receipts of the caisse. I must assume that the figures can as a matter of fact be made out, and it is obviously open to the President and members of the special committee to call for them.

I consider that before discussing the proposed works it is imperative that the diplomatic body should insist on being furnished with an exact detailed statement showing *inter alia* (*a*) the total receipts of the caisse for each year at each port; (*b*) the total expenditure at each port up to the present time; (*c*) amounts due on

contracts already awarded or for which tenders have been invited; (*d*) amounts required to meet the cost of other works which have already been sanctioned; and (*e*) details of advances to the "taxe urbaine," "dette," &c. Full details should be given under headings (*b*), (*c*), and (*d*), showing what the various works are and at what ports.

When in possession of this information the diplomatic body will be able to calculate exactly how much of the money in hand is due to the Tangier district, for now that it has been decided to allocate to each of the three zones all the surtax collected therein, Tangier is entitled to claim that all the tax hitherto collected there should be expended for her benefit. It is only after being placed in possession of this information that a decision can be taken in regard to the programme of public works submitted by M. Porché.

I authorise you to inform your colleagues of the views of His Majesty's Government as set forth above, and to take whatever steps may seem to you most advisable to obtain the financial details required.

I am, &c.
E. GREY.

[43851] No. 146.

Mr. Rennie to Sir Edward Grey.—(Received October 18.)

(No. 101.)
(Telegraphic.) *Madrid, October* 17, 1912.

MOROCCO Convention.

My immediately preceding telegram of 12th October.

Note handed yesterday to Spanish Minister for Foreign Affairs. French Government proposed formula accepting line on River Muluya which Spanish Minister for Foreign Affairs offered on 5th July, and which concedes to French zone ford of Meshra Klili and 1 kilom. beyond. French Government adhere to "forfait" of 500,000 fr., but accept Spanish contention for repartition of dues from customs zones.

Spanish Minister for Foreign Affairs has replied agreeing to formula regarding frontier, provided it is expressly stated that Sidi Marouf is included in Spanish zone. He accepts "forfait" of 500,000 fr. on the understanding that the 300,000 fr. due from the Atlantic ports is considered as a fixed sum, while the 200,000 fr. from the Mediterranean ports should be subject to yearly revision.

Though it is perhaps a pity that Spanish Minister for Foreign Affairs has not accepted French note as it stood, his Excellency, whom I saw to-day, seems confident that French Government will agree to his reduction, and that negotiations will thereby be concluded. French Ambassador, in telegraphing Spanish reply, is strongly insisting on its acceptance.

(Repeated to Paris.)

[43821] No. 147.

Sir Edward Grey Sir F. Bertie.

No. 510.)
Sir, *Foreign Office, October* 18, 1912.

I TOLD M. Cambon on the 16th instant that the Spanish Ambassador had asked me to speak to him and represent that Spain had given way about the 500,000 pesetas, and thought it hard that France should refuse to take this into account by diminishing the amount charged for the loan. As regards the Muluya boundary, Spain had agreed to give France the ford; France had stated that, if this was done, she would require only a certain amount of territory; but she had now enlarged this demand to include the territory of a Kaïd, part of which was essential to Spain for keeping order in the Riff. The suggestion made was that the ford should be definitely agreed to be in the French sphere, and the house in which the Kaïd lived in the Spanish sphere, and that the rest of the delimitation should be left to a technical commission. I observed to M. Cambon, as I had told the Spanish Ambassador I must, that all I could do was to tell him what the Ambassador had said, and to urge that some way should be found of not allowing the negotiations to break down on small points.

M. Cambon said that he was not familiar with the matter. He thought that the

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points were small ones, and he would much prefer that the matter should be dealt with by your Excellency in Paris. I must therefore leave it to your Excellency to say whatever may be possible and opportune.

I am, &c.
E. GREY.

[43966] No. 148.

Mr. Kennard to Sir Edward Grey.—(*Received October* 19.)

(No. 260.)

Tangier, October 12, 1912.

Sir,

WITH reference to your despatch No. 126 of the 30th ultimo, I have the honour to report that I heard yesterday that the president of the Comité spécial des Travaux publics had called a meeting of the committee for the 19th instant to consider the "cahier des charges" for the Tangier waterworks project. I immediately requested the president to come and see me, and enquired whether the State engineer, who has been absent from Tangier for some days, was aware of this proceeding. Ali Zaki Bey stated that M. Porché had handed him the "cahier des charges" without making any reservation as to its presentation to the Comité spécial. I informed Ali Zaki that M. Porché had last month given me a formal assurance that he would postpone the submission of the project until he had discussed the question with Sir R. Lister on his return from leave of absence. Ali Zaki assured me that he knew nothing of any such promise. I then stated that I must insist on the postponement of the meeting, which had been called for the 19th October, and that I was unable to understand how, in view of my conversation with M. Porché a month ago, it had been thought possible to submit the project without even warning me of any such intention. Ali Zaki stated that, in deference to my request, he would postpone the meeting and would take no action in the matter for the present; he had, however, sent copies of the "cahier des charges" to the members of the committee and could not now withdraw them. I explained to Ali Zaki the view of His Majesty's Government on the subject, and told him that he had better discuss the question with Sir R. Lister on his return next week. He offered to send me a copy of the "cahier des charges," and I told him that, while I could take no official cognisance of it, I should be glad to have a copy for my personal consideration. I understand from those who have seen it that there are several most objectionable features in the scheme, and the matter will be further reported on when the details have been examined.

I am unable to determine whether this fresh instance of unreliableness is due to bad faith on the part of M. Porché, who is now away, or whether Ali Zaki Bey has taken advantage of his absence to attempt a submission of the scheme. It is significant that the meeting of the Comité spécial was convened for the day before Sir R. Lister's return and that no warning of any kind was given to this legation.

I am at any rate of the opinion that the moment has now come for a serious investigation into the administration of the Caisse spéciale. The circumstances of the Casa Blanca port works project and the various works proposed for Tangier are sufficient to cause grave apprehension as to the manner in which the business of the comité spécial is conducted. The president and the State engineer are on the worst possible terms personally; the former is a byword in this town for every kind of rascality, while the latter, if not dishonest, is anxious to stand well with every one and is either insincere or incompetent. He is undoubtedly greatly overworked and it is impossible for one man to design and supervise all the public works now in hand or projected. His hands are also tied by the new administration at Rabat, and he is no longer a free agent.

Many cases of bad work and questionable procedure are brought to one's notice daily. Encroachments on the public roads, or on private property, invariably to the advantage of French interests, are to be seen throughout Tangier. Roads newly completed will have to be remade within a year. There appears to be no proper supervision or control of contract work, and the public benefit is sacrificed to individual interests. I have already drawn your attention to the apparent neglect of proper financial procedure. As the corps diplomatique is primarily responsible for the proper administration of the Caisse spéciale, it seems essential that all these matters should now be enquired into. Unfortunately the present diplomatic members of the Comité spécial do not carry out their duties with any sense of responsibility and facilitate the slack methods which now obtain.

As the Ministers of the Powers chiefly concerned will have returned before the end of this month, it might be advisable that the "chefs de mission" or a committee appointed by them should hold an enquiry into the management of the Caisse spéciale or take some measures to ensure a more satisfactory direction of its affairs.

With regard to the instructions contained in your telegram No. 44 of the 10th instant, I have the honour to inform you that the German Minister, who is for the moment doyen of the corps diplomatique, has decided to take no action on the various schemes now before the corps diplomatique pending the return of Sir R. Lister and the Netherlands Minister, who as doyen feels very strongly on all these questions and will no doubt take the necessary measures to remedy the present lamentable state of affairs.

I have, &c.
H. W. KENNARD.

[44412] No. 149.

M. Cambon to Sir Edward Grey.—(*Received October* 21.)

Londres, le 18 *octobre*, 1912.

M. le Secrétaire d'État,

JE m'étais empressé de transmettre à mon Gouvernement le mémorandum relatif à l'organisation internationale de Tanger que votre Excellence avait bien voulu me communiquer le 23 septembre dernier.

M. Poincaré à fait rédiger en réponse à ce mémorandum un mémoire qu'il me charge de vous faire parvenir; votre Excellence trouvera, ci-joint, le texte de ce document.

Veuillez, &c.
PAUL CAMBON.

Enclosure in No. 149.

Memorandum communicated by M. Cambon.

ORGANISATION DE TANGER.

LE Gouvernement de la république est heureux de l'étude attentive que le Gouvernement britannique a bien voulu faire des vues exposées dans ses notes des 26 et 27 août dernier et l'en remercie.

Il eût été, sans doute, désirable de pouvoir ratifier purement et simplement les textes rédigés *ad referendum* par les délégués français, anglais et espagnol à Saint-Sébastien. Mais, ainsi qu'il a été précédemment observé, certaines des solutions proposées ne répondaient pas à toutes les nécessités et la peine même qu'éprouvaient les trois commissaires à se mettre d'accord dans un grand nombre de cas importants témoignait d'une entente préalable insuffisante des trois Cabinets. Le Gouvernement de la république se félicite que le Gouvernement Royal reconnaisse avec lui l'opportunité de discuter à fond les questions en suspens. Pour la commodité de l'examen à poursuivre, on a adopté ci-après les mêmes divisions que dans le mémorandum britannique du 23 septembre dernier.

1. *Établissement de la Municipalité.*

Les deux Gouvernements sont d'accord sur la procédure à suivre pour l'institution du nouveau régime et sa notification aux Puissances.

2. *Pouvoirs de la Municipalité.*

Sous ce titre, la note britannique du 23 septembre traite spécialement la question du khalifa. On peut avoir du rôle éventuel de ce personnage deux conceptions différentes: Ou bien, comme semble le proposer le Cabinet de Londres, il sera un administrateur des affaires indigènes dans la dépendance et sous le contrôle de la municipalité; ou bien, il sera, auprès de cette dernière, le représentant du Sultan. Le Gouvernement de la république estime que le khalifa doit avoir pour mission unique, mais effective, de représenter le Sultan auprès des pouvoirs constitués de la zone internationalisée. Il faut donc qu'au regard des consuls, ses collègues à la Commission

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de Contrôle, il bénéficie d'une primauté d'honneur au lieu de se trouver en position d'infériorité; il y serait de façon manifeste s'il était le subordonné du conseil municipal à un titre quelconque. On concède d'ailleurs qu'il y a des motifs de ne pas revendiquer pour lui le privilège d'administrer les indigènes; cela fera normalement partie des attributions de l'autorité municipale, à laquelle il serait illogique de ne faire accorder une délégation générale de pouvoirs que pour l'en dépouiller aussitôt dans une plus ou moins large mesure.

Cette conception du rôle du khalifa—qui souligne assurément le caractère désintéressé au point du vue français—est la seule qui se concilie, d'après nous, avec l'octroi d'une autonomie réelle à Tanger et avec l'intention commune aux deux Gouvernements de poursuivre l'abolition immédiate du régime des Capitulations et de la protection.

Le Gouvernement de la république pense, comme le Gouvernement de Sa Majesté britannique, que l'accord projeté doit prévoir formellement cette abolition, et que même il y a lieu de la préparer dès maintenant par la réorganisation de la justice.

On trouvera plus loin, sous le No. 8, un paragraphe consacré à ce que pourrait en être la base.

Dans ces conditions, il est sans doute permis d'espérer que le Gouvernement britannique n'hésitera plus à donner son entière adhésion à la rédaction suivante présentée par M. Guiot à la commission mixte de Saint-Sébastien :—

"Sa Majesté le Sultan délègue, dans les conditions ci-après indiquées, à une municipalité internationale, l'administration du territoire défini à l'article (périmètre). Dans la zone internationale, Sa Majesté le Sultan exercera, par l'entremise d'un représentant (le khalifa), aussi bien au regard de ses ressortissants qu'au regard de la municipalité, les droits et les pouvoirs qu'exercent ou exerceront les représentants des Puissances."

Ces dispositions devraient être complétées par celles qu'on trouvera plus loin en tête du No. 8, consacré à la question judiciaire.

3. *Étendue du Territoire municipal.*

Le Gouvernement de la république n'avait pas connaissance que la question des limites de la zone de Tanger eût abouti à un accord formel. Il ne fait pas, en ce qui le concerne, d'objection au libellé reproduit dans la note du 23 septembre. Il croit devoir observer seulement qu'il y aura lieu de prévoir des mesures administratives spéciales pour éviter tous conflits entre intérêts urbains et ruraux, et pour assurer la représentation de ces derniers à l'assemblée.

4. *Mécanisme du Gouvernement.*

(*a.*) *Composition du Conseil municipal.*—A la proposition française de créer trois collèges électoraux et d'augmenter le contingent des conseillers indigènes, le Gouvernement britannique fait une série d'objections qu'on croit aisément réfutables.

Sans doute, il est vrai que les Marocains ont fait preuve d'une grande inaptitude à se bien administrer. Aussi ne s'agit-il point d'organiser leur autonomie. On cherche seulement à ce que leurs intérêts ne soient pas sacrifiés à ceux de la population immigrée. Il n'est pas davantage question de créer à Tanger un système de représentation proportionnelle contraire au principe admis de l'égalité de droits des diverses nationalités.

Il faut pourtant reconnaître que la situation des indigènes est spéciale et que, dans l'ensemble de la population tangéroise, ils formeront, en face des immigrés, un groupe sinon opposé, tout au moins distinct.

Le Gouvernement britannique ne suspecte pas la France d'arrière-pensée intéressée, en quoi il prouve la justesse de son sens politique. Si, en effet, nous faisons un calcul égoïste et si les indigènes devaient être un instrument entre nos mains, nous réclamerions le collège unique au lieu de le combattre. Quel que soit, en effet, le cens électoral qu'on adopte, les Marocains représenteront un chiffre de suffrage très élevé dont devrait bénéficier, dans l'hypothèse envisagée, la liste la plus dévouée aux intérêts français. Selon toute vraisemblance, la population indigène, qui n'aura rien à espérer ni à craindre des diverses Puissances européennes, ne s'inspirera dans ses votes que de considérations locales et portera son choix sur les candidats les plus favorables à ses désirs. Établir un collège unique équivaudrait donc à une véritable organisation de la surenchère électorale et, par suite, d'un désordre organique bien difficile à guerir. C'est de quoi le Gouvernement de la république se refuse à assumer la responsabilité.

Il n'entend point d'ailleurs n'éviter un danger que pour en faire naître un autre et il n'entre pas dans ses vues d'octroyer aux indigènes le pouvoir de dominer l'assemblée municipale. Désireux, comme le Gouvernement de Sa Majesté britannique, "d'assurer une harmonie et une coopération complètes entre tous les habitants de Tanger quelles que soient leur nationalité et leur religion," il ne peut, comme lui, croire à la possibilité "de les amalgamer en un corps unique." Il juge donc prudent de borner son ambition à réaliser un juste équilibre des intérêts en présence et à faire vivre en paix les éléments divers, simplement juxtaposés d'une population hétérogène.

Il ne croit pas que ce résultat puisse être atteint par une autre formule que celle de la division des électeurs en trois collèges.

Mais il lui paraît nécessaire, en raison des objections formulées dans la note anglaise, de préciser brièvement comment devrait fonctionner le système qu'il préconise.

Les trois collèges électoraux ayant élu leurs représentants, ceux-ci formeraient trois sections qui, en certaines matières, devraient délibérer séparément, ainsi que font les délégations financières algériennes.

Si l'on tient compte de la limitation constitutionnelle des pouvoirs du conseil municipal, on remarque que le seul ordre de questions qui risque sérieusement de dresser les uns contre les autres les intérêts en présence est celui des questions financières, soit des impôts à percevoir et de l'emploi des ressources en provenant. Dès lors le budget des recettes et des dépenses, préparé par l'administration municipale, serait chaque année soumis à chacune des trois sections élues. Au cas où l'une d'elle refuserait son approbation et où une transaction amiable n'interviendrait pas, le conflit serait porté devant la Commission de Contrôle, corps impartial dont la décision arbitrale prendrait force de loi.

Pour cette adaptation très simple à Tanger des pratiques qui ont fait leurs preuves en Algérie ou en Tunisie il faut et il suffit qu'il existe une représentation particulière des divers groupes de population nettement distincts.

A tout bien considérer, on ne pourra pas nier que ces groupes soient au nombre de trois :—

1. Les immigrés ou ressortissants des Puissances.
2. Les indigènes musulmans.
3. Les indigènes israélites.

Aucune raison péremptoire ne conseille de sectionner les premiers. Les divergences d'origine, en effet, se fondent devant la communauté relative de civilisation et d'intérêts et l'expérience donne la certitude que les luttes électorales de Tanger auront un tout autre terrain que celui des nationalités.

Parmi les indigènes, on devra, si l'on veut ne point tomber dans l'arbitraire, ne pas confondre malgré eux les musulmans et les Israélites que ni le voisinage ni la communauté même d'existence n'ont jamais rapprochés. Ce n'est point là affaire de religion, c'est affaire de race. Quant à l'objection tirée de l'existence à Tanger d'Algériens, de Tunisiens, d'Égyptiens et d'autres musulmans ou de Juifs naturalisés (dont la note anglaise demande où sera la place), il ne semble pas qu'elle soit très troublante. Les Algériens, sujets français, et les Tunisiens soumis à l'étranger aux lois françaises, voteront tout naturellement dans le collège électoral français; on ne verrait pas de sérieux obstacle à ce que l'Angleterre revendiquât comme siens les Égyptiens par assimilation à la pratique traditionnelle française concernant les chrétiens de Syrie. Les autres musulmans et les Israélites non européens se classeront dans les deux collèges indigènes; d'autant plus que la Convention de Madrid est formelle et qu'il apparaît urgent de reviser les abus commis en méconnaissance de ses dispositions.

Il y a donc à côté du groupe des immigrés :—

2 Le groupe musulman.
3. Le groupe israélite.

La note française du 27 août s'était déjà expliquée au sujet des Marocains protéges. On ne peut ici que s'en tenir à l'opinion déjà émise après mûre réflexion.

Il semble que le Gouvernement de Sa Majesté britannique se montre autant que celui de la république désireux de voir disparaître, avec le régime des Capitulations, tous ces protégés qui n'auront d'ailleurs plus de raison d'être dans la nouvelle organisation. On ne saurait, en tous cas, sans menacer l'équilibre recherché, admettre qu'ils fussent élus sur les listes indigènes et vinssent ainsi enfler indirectement au sein de l'assemblée municipale le nombre des voix de la Puissance protectrice. Il n'est pas

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possible non plus, sans fausser les proportions respectives de la représentation des immigrés et des indigènes, de les admettre à siéger parmi les Européens. Que si, après tout, dans ce personnel des protégés, un individu se recommandait par une exceptionnelle compétence, il pourrait toujours être introduit dans le conseil par la voix de la désignation du consul protecteur.

Inéligible, soit au titre européen, soit au titre indigène, le protégé ne devrait pas être davantage électeur. Le plus simple serait de considérer que sa situation spéciale désormais temporaire d'ailleurs, ne permet pas de le classer dans les listes électorales. Il lui appartiendrait, en renonçant à la protection, de retrouver un droit auquel il croirait devoir attacher de la valeur.

(*b.*) *Nombre des Membres.*—Seule est essentielle l'existence de trois sections élues correspondant aux trois groupes ci-dessus définis de la population tangéroise ; la force numérique de chacune de ces sections n'a qu'une importance relative. Il s'ensuit qu'on peut, à la rigueur, restreindre le nombre des sièges accordés aux indigènes. Il ne faudrait pas cependant l'affaiblir à l'excès, et l'on peut croire que, dans une assemblée de trente membres, sept conseillers musulmans et trois Israélites demeureraient toujours à l'état de minorité inoffensive. Il resterait entendu que pour tous les immigrés on maintiendrait la règle déjà adoptée, fixant à quatre au maximum le nombre des conseillers, y compris le membre nommé, pouvant appartenir à la même nationalité.

(*c.*) *Membres nommés.*—Le Gouvernement de la république croit qu'il eût été désirable de pouvoir confier à la désignation des membres nommés à l'assemblée des représentants des Puissances et du Sultan, opérant au scrutin de liste. Mais il reconnaît la valeur des objections du Gouvernement britannique et n'insiste pas pour faire prévaloir sur ce point sa préférence.

(*d.*) *Pouvoirs exécutifs.*—Le Gouvernement de la république accorde volontiers qu'il est, à première vue, séduisant de faire élire le chef du pouvoir exécutif par l'assemblée municipale. Il a cru devoir proposer néanmoins une autre procédure, cédant à d'impérieuses raisons que sa note n'a peut-être pas suffisamment développées. De quelque nom qu'on le qualifie, le personnage en cause aura à jouer un rôle considérable :

Officier de l'état-civil ;
Chef de la police ;
Gardien responsable de la charte constitutive de la zone internationale ;
Exécuteur des décisions de l'assemblée municipale ;
Ordonnateur de toutes les dépenses ;
Chef de l'administration locale, urbaine et rurale avec droit de nomination et pouvoirs disciplinaires sur tous les agents municipaux ;
Investi des pouvoirs réglementaire exercés ailleurs par les Ministres ;
Commissaire du protectorat collectif d'une fraction importante du territoire chérifien,

ce sera un très haut fonctionnaire, concentrant en ses mains toute une série d'attributions, d'ordinaire réparties, dans les pays d'Europe, entre les maires, préfets ou gouverneurs et Ministres.

C'est assez dire combien délicate, complexe, absorbante et difficile sera sa fonction. Il semble véritablement téméraire d'espérer que le recrutement local puisse fournir un candidat possédant les capacités, l'expérience des affaires publiques, la valeur morale, la tenue, les loisirs indispensables.

Mais alors même qu'il en serait ainsi, serait-il admissible de confier sa désignation à une assemblée locale dont on ne peut prévoir ni la composition ni la valeur? Par quels moyens se recommanderait-il à son choix? De quelle indépendance jouirait-il à son égard? D'où lui viendrait l'autorité personnelle qu'exigera son rôle d'arbitre entre races diverses et intérêts divergents?

Plus tard, quand la zone internationalisée aura fait l'apprentissage de l'autonomie, peut-être deviendra-t-il possible de lui remettre davantage le soin de ses propres destinées. Actuellement et dans son intérêt même, aussi bien que dans celui des zones voisines et des Puissances, il importe de ne pas risquer une expérience prématurée.

Qu'on donne au commissaire administrateur trois adjoints dont un indigène, élus par l'assemblée pour l'assister dans sa tâche et auxquels il déléguera une partie de ses pouvoirs, rien de mieux. Mais aller au delà serait dangereux.

La note britannique observe que le Gouvernement de la république n'a pas précisé la durée que devraient avoir les fonctions du commissaire administrateur. C'est exact. Il a volontairement aussi passé sous silence le chiffre des émoluments qui devraient lui être attribués aussi bien que l'hypothèse où il y aurait lieu de le faire révoquer. Il a estimé qu'il convenait tout d'abord de résoudre la question de principe. Mais, celle-ci

tranchée, il y aurait lieu d'examiner les modalités d'application sur lesquelles il n'est pas vraisemblable qu'une entente puisse être difficile à obtenir.

(*e.*) *Commission du Contrôle.*—Le Gouvernement de la république pense qu'il eût été désirable de créer un véritable conseil supérieur ou Chambre haute. Mais il accepte l'idée anglaise d'une Commission de Contrôle uniquement représentative des Puissances, collectivité protectrice et conséquemment formée par les consuls et le khalifa. Il constate avec satisfaction qu'est reconnue l'utilité de donner accès tant à l'assemblée municipale qu'à la Commission de Contrôle, aux chefs des grands services publics. Il va de soi que ces fonctionnaires ne sauraient y avoir droit de vote. Mais il importe de préciser qu'ils auront toujours la faculté, sans avoir à être appelés, d'assister à la discussion des affaires de leur compétence et de faire entendre leur avis.

5. *Conditions d'Électorat.*

Le Gouvernement de la république adhère à l'accord intervenu entre les délégués réunis à Saint-Sébastien pour ce qui concerne les conditions d'électorat telles qu'elles sont rappelées dans la note britannique du 23 septembre. Il signale, toutefois, la nécessité d'une équivalence applicable aux habitants de la banlieue de Tanger si l'on ne préfère pas baser le cens électoral sur le total des impôts directs acquittés.

Il croit devoir faire, en outre, connaître son sentiment sur quelques questions subsidiaires dont la solution doit forcément préceder la réunion de l'assemblée municipale Ce sont :—

(*a.*) La confection des listes électorales.

L'expérience enseigne que, dans cet ordre d'idées, les meilleures formules seraient listes électorales préparées par l'administration municipale, publiées par elle avec délais légaux pour les réclamations, celle-ci étant tranchées souverainement par les tribunaux civils.

(*b.*) Le contentieux de l'élection devrait être remis à ces mêmes tribunaux et non pas à l'assemblée intéressée, ni non plus aux tribunaux administratifs.

C'est ce plan qui devrait être adopté pour la constitution tangéroise.

L'inexistence actuelle des institutions nécessaires conseillerait un régime provisoire.

Les premières listes électorales seraient dressées :—

Pour les immigrés, par les consuls.
Pour les musulmans et les Israélites, par le khalifa.

Les réclamations seraient jugées par la future Commission de Contrôle, en fait par la conférence des consuls et du khalifa.

C'est cette commission pareillement qui, jusqu'à la constitution des tribunaux réguliers, connaîtrait du contentieux des élections.

6. *Revenus de la Municipalité.*

Le Gouvernement de la république est heureux de prendre acte de la déclaration contenue dans la note anglaise du 23 septembre que le Gouvernement britannique est disposé à retirer ses objections au maintien du contrôle de la dette pour l'administration de la douane à Tanger.

Il confirme, de son côté, l'intention où il est d'admettre que la municipalité conserve la totalité de la surtaxe de 2½ pour cent levée à Tanger, pourvu que la future zone soit organisée sur "les bases qu'il juge seules capables d'assurer sa vitalité et son bon fonctionnement." Dès lors donc qu'un projet donnant cette garantie aura obtenu l'adhésion des trois Gouvernements, la question du 2½ pour cent pourra être considérée comme définitivement tranchée dans le sens ci-dessus.

Pour le pourcentage du produit des douanes applicable au budget municipal, la formule française, acceptée à Londres, était basée sur la ligne de transit et ce moyen de répartition nous échappe aujourd'hui. Nous ne serons pas en mesure, avant plusieurs années, d'y substituer comme instrument d'évaluation le relevé des expéditions par voie ferrée. On reconnait cependant que Tanger aura besoin de disposer de ses ressources dès le début de son autonomie. On pourrait donc bien faire organiser par les soins de la douane un service de statistique de sortie des marchandises ou, plus simplement si l'on veut éviter une dépense non indispensable, admettre un pourcentage provisiore, arbitrairement évalué à l'origine et revisable avec effet rétroactif lorsque la mise en exploitation des chemins de fer aura fourni

les données nécessaires. Il sera naturel que la municipalité ait la possibilité de faire contrôler les calculs faits à cette occasion par l'Administration de la Dette et il va de soi que cette administration devra fournir les pièces justificatives de ces calculs.

Il aurait été également agréable au Gouvernement de la république de pouvoir acquiescer à l'argumentation anglaise en ce qui concerne l'indemnité de guerre et il comprend bien l'intérêt qu'à divers points de vue l'Angleterre attacherait à une renonciation de sa part à ses droits en la matière. Mais il croit devoir faire observer que, contrairement à l'opinion émise dans la note anglaise du 23 septembre, la France n'a pas fait abandon de la part de cette indemnité afférente à la zone espagnole; il n'y a eu qu'un échange de gages des créances militaires française et espagnole. Enfin, le Trésor français a refusé de faire remise au Makhzen de sa dette de guerre et ne lui a consenti qu'un adjournement de la date d'échéance. Dans ces conditions, on conçoit qu'un sacrifice aussi exceptionnel en faveur de Tanger ne pourrait être compris par l'opinion publique française que s'il avait pour contre-partie un avantage particulier réel et important au profit de la France.

Le Gouvernement britannique estime "qu'aussi longtemps que le service des emprunts est entièrement défrayé par les recettes douanières . . . . la totalité des autres revenus doit appartenir à la municipalité." Sous cette forme, la demande anglaise est en opposition avec le contrat de l'emprunt 1910 et de l'annuité française. Tous les revenus doivent concourir simultanément au service de l'emprunt; c'est une obligation pour le représentant des porteurs de réaliser l'annuité aussi promptement que possible et d'y faire concourir au fur et à mesure des rentrées tous les revenus gagés. Mais par cela même que l'annuité est obtenue plus vite, il s'ensuit que les produits douaniers sont plus tôt libérés et le résultat est identique pour la municipalité.

En ce qui concerne la régie coïntéressée des tabacs, le Gouvernement britannique émet l'opinion que Tanger devrait participer aux bénéfices et recevoir le produit des amendes infligées pour contraventions aux règles du monopole dans la zone internationale. Le Gouvernement de la république est du même avis: il sera bon que la future municipalité soit intéressée au bon fonctionnement du monopole et à la répression des fraudes. Il sera également équitable qu'elle participe aux bénéfices de la Banque d'État, qui, conformément aux dispositions de l'Acte d'Algésiras, devra être "son agent financier" et de même à ceux que laissera la frappe des monnaies. Ses droits seront pareillement sauvegardés lors de la concession de la ligne ferrée Fez–Tanger.

Ainsi que le Gouvernement britannique le demande aussi, il y a lieu d'admettre, quant à la gestion du domaine en zone internationale, que la municipalité soit associée au Makhzen dans l'exercice des pouvoirs que ce dernier s'est réservé par l'accord financier du 21 mars, 1910. Toute attribution ou vente de ces biens devra, pour être valable, être consentie par la municipalité en même temps que par le Makhzen. Le représentant du Sultan conservera la jouissance de l'immeuble traditionnellement affecté à cet usage, ainsi que ses dépendances. Il ne sera pas fait remise à la municipalité des immeubles et emplacements affectés aux services publics non municipaux tels que Contrôle de la Dette, douanes, &c. Le Sultan ne devra, pas plus à Tanger que dans le reste de l'Empire, être dépouillé de ses droits de propriété; c'est la gestion et l'emploi des revenus des biens Makhzen non affectés en gage qui, seuls, seront dévolus aux autorités de la zone internationale.

La municipalité pourra, d'ailleurs, se constituer un domaine privé composé des immeubles édifiés ou acquis par elle à titre onéreux ou à titre gratuit.

L'administration des habous sera réorganisée. Un "nadir" sera nommé par le représentant du Sultan dans la zone internationale (auquel, en raison de leur importance religieuse, il faudrait aussi réserver la nomination des cadis) et les revenus des biens habous seront appliqués à des œuvres d'assistance et d'enseignement indigènes dans la région de Tanger. Ainsi qu'il a été prévu à l'article 63 de l'Acte d'Algésiras, la location des biens habous dans la zone internationale sera revisée, d'accord entre le corps consulaire de Tanger et le "nadir." L'administration du "nadir" sera soumise à la Commission du Contrôle, qui s'assurera que les biens sont correctement gérés et que les revenus sont employés conformément à leurs fins.

Si l'administration du "nadir" donne lieu à des plaintes de la Commission du Contrôle, celle-ci pourra, à la majorité des deux troisièmes des voix, demander au khalifa du Sultan la révocation du "nadir," qui ne pourra être refusée.

Enfin, le Gouvernement de la république ne fait pas difficulté de déclarer, pour répondre au vœu formulé à ce sujet dans la note britannique, que le Contrôle de la Dette disparaîtra automatiquement dès que seront éteintes les créances dont il a pour mission de gérer le gage.

7. Travaux publics.

Le Gouvernement de la république confirme l'adhésion donnée par son délégué à Saint-Sébastien à la formule suivante:—

"Les questions de travaux publics continueront d'être régies par les stipulations de l'Acte d'Algésiras et par les dispositions des règlements généraux sur l'adjudication établie en conformité de l'article 110 de cet acte. Dans la zone municipale, la commission des adjudications et des marchés et le Comité spécial des Travaux publics seront remplacés par un comité que désignera le Conseil municipal."

Il croit devoir toutefois déclarer qu'il serait, par ailleurs, désireux d'obtenir une garantie de bonne gestion et d'un sage emploi des ressources fournies par la Caisse spéciale.

8. Organisation judiciaire.

Ainsi qu'il est dit plus haut (§ 2), le Gouvernement de la république partage le vif désir du Gouvernement de Sa Majesté de voir disparaître les Capitulations dans le délai le plus court et de l'établissement d'une juridiction unique dans le district international.

Il suppose d'ailleurs que le Gouvernement britannique juge cette amélioration désirable non seulement à Tanger, mais dans le Maroc tout entier, et n'y refusera pas ses bons offices. Il attacherait du prix à en recevoir l'assurance explicite.

En ce qui concerne spécialement la zone de Tanger, la rédaction ci-après pourrait être insérée dans l'accord projété:—

"Le Gouvernement de la République française, le Gouvernement de Sa Majesté britannique, et le Gouvernement de Sa Majesté Catholique renoncent à leur privilege de juridiction à dater du jour où fonctionnera dans la zone internationale un nouveau système judiciaire établi sur les bases ci-après définies. Lorsque les ressortissants des Puissances se trouveront ainsi soumis dans la zone internationale à une même et unique juridiction, le Gouvernement marocain ne fera pas obstacle à ce que ses ressortissants dans cette zone soient administrés par la municipalité, qui, à cet effet, comprendra un adjoint indigène. Le statut personnel des indigènes musulmans ou israélites sera respecté et demeurera tel qu'il est établi par leurs lois religieuses, notamment en matière de filiation, mariage, divorce, tutelle et succession.

"Tant que le paragraphe 3 de l'article 11 de la Convention du Madrid du 3 juin, 1880, sera en vigueur, le khalifa du Sultan dans la zone internationale exercera pour cette zone le droit attribué au Ministre des Affaires Étrangères de Sa Majesté chérifienne de connaître en appel des questions de propriétés immobilières intéressant les étrangers."

Le terrain ainsi déblayé des tribunaux consulaires et s'inspirant de ce qui a été fait en Égypte, où les Puissances ont organisé en 1875 une juridiction internationale qui depuis trente-cinq ans a fait ses preuves, il y aurait lieu de créer à Tanger:—

(*a.*) Un tribunal mixte de première instance, composé de quatre magistrats, dont un indigène et dont il semblerait équitable que deux des trois autres fussent un Français et un Espagnol.

Compétence rationale personæ.—Tous les procès entre étrangers de nationalités différentes et entre étrangers et indigènes lui seraient déférés. Les procès civils entre étrangers de la même nationalité pourraient, sur le désir des deux parties, être soumis à l'arbitrage, sans appel des consuls. De même, les contestations entre indigènes seraient déférées, dans le même cas de consentement des parties, à l'arbitrage sans appel du khalifa.

A défaut de l'entente envisagée, ci-dessus, les procès entre Européens de même nationalité et entre indigènes seraient jugés par le tribunal mixte. La municipalité et toutes les administrations de Tanger seraient justiciables de ce tribunal pour les atteintes portées par des mesures administratives aux droits acquis des étrangers. Dans les procès entre indigènes seule la présence du juge indigène serait obligatoire.

Compétence ratione materiæ.—Toutes les actions civiles, non réglées par le représentant du Sultan ou par les consuls, les actions mobilières et immobilières (sauf celles qui ont trait à la constitution des biens habous) seraient de son ressort. En matière commerciale on pourrait adjoindre deux commerçants, l'un indigène et l'autre étranger, comme assesseurs.

Compétence sommaire.—Le tribunal déléguerait un des magistrats européens, pour trancher, en qualité de juge de paix, rapidement et à peu de frais, les litiges peu importants.

(*b.*) *Juridiction d'Appel.*—En raison des frais excessifs qu'entraînerait la création d'une cour locale d'appel, on pourrait décider que si toutes les parties en cause appartiennent à la même nationalité leur litige sera porté devant la cour la plus voisine de cette nationalité; que s'il s'agit de procès entre étrangers de nationalités différentes ou entre étrangers et indigènes, le litige dont appel sera renvoyé, sauf accord des parties sur le choix d'une cour, devant la cour fédérale de Lausanne.

Un règlement judiciaire élaboré par le tribunal mixte aurait à prévoir la discipline des magistrats, avocats, greffiers, huissiers, &c., ainsi que les tarifs des frais de justice; ce règlement, comme tous ceux concernant le fonctionnement intérieur de la nouvelle organisation, serait pris souverainement par lui à la majorité absolue des voix.

(*c.*) *Statut personnel.*—Toutes les questions relevant du statut personnel tant des indigènes que des étrangers, continueront à relever de leurs juges nationaux, c'est-à-dire des consuls pour les étrangers, des cadis pour les indigènes. Le tribunal mixte ne pourra que s'incliner devant les décisions émanant du juge du statut personnel d'un plaideur.

(*d.*) *Juridiction répressive.*—Contraventions. C'est un principe d'ordre public que les règlements de police sont applicables à tous les habitants sans distinction d'origine. Ici, encore, il y aurait lieu par conséquent de déférer à l'autorité territoriale, c'est-à-dire au tribunal mixte, à l'exclusion de la juridiction consulaire ou indigène, toutes les contraventions aux règlements émanés de l'autorité municipale de Tanger. Un juge unique, siégeant en tribunal de simple police et ayant pouvoir de punir de 1 à 25 fr. d'amende et de un à sept jours de prison, connaîtrait de toutes les infractions aux règlements sur la circulation sur la voie publique, les établissements publics (hôtels, cafés, maisons meublées), la mendicité, vagabondage, les mesures d'hygiène et salubrité, &c. . . . .

En matière correctionnelle, le tribunal mixte compétent serait, en première instance, composé d'un des magistrats de carrière et de deux assesseurs, sans qu'il puisse y avoir plus d'un juge de la nationalité de l'inculpé.

En appel, il serait composé des trois magistrats titulaires n'ayant pas connu de l'affaire en première instance et de deux assesseurs, dont un au plus pourrait appartenir à la nationalité de l'inculpé.

En matière criminelle, il semble que la juridiction mixte doive se borner à fonctionner comme les tribunaux consulaires français et comme chambre des mises en accusation et à prononcer, s'il y a lieu, le renvoi de l'inculpé devant la cour criminelle de la nationalité la plus proche.

(*e.*) *Ministère public.*—Théoriquement, le parquet relève exclusivement du pouvoir exécutif et ne peut être nommé que par lui. C'est donc au Sultan qu'il appartient de nommer le procureur général, mais il pourrait n'exercer ce droit nominal que sur la présentation du tribunal mixte. Ce fonctionnaire serait nommé pour cinq ans et pourrait avoir sous ses ordres des substituts appartenant aux États signataires du régime de Tanger. Le rôle du procureur général serait assez important; c'est à lui qu'incomberait la promulgation au nom du Sultan des lois des règlements d'administration pris par l'autorité municipale, des poursuites, l'exécution des sentences, la surveillance des prisons, la police judiciaire, &c. Il ne relèverait du Sultan que nominalement, mais serait tenu d'adresser chaque année à la Commission de Contrôle un rapport sur la marche de la justice.

(*f.*) *Magistrats.*—Les magistrats, rendant la justice par délégation du Sultan, seraient, ainsi qu'il a été dit, officiellement nommés par lui à Tanger comme dans le reste de l'Empire. Mais pour s'assurer de l'aptitude des juges à remplir leurs fonctions il serait entendu que leur nomination n'aurait lieu que sur une présentation officieuse de l'administration municipale ou, si l'on préfère, de la Commission de Contrôle. Ils ne pourraient être relevés de leur charge que du consentement de la commission de contrôle statuant à la majorité des deux troisièmes des voix. Leur traitement comporterait des émoluments assez élevés.

(*g.*) *Forme des Jugements.*—Les jugements seraient intitulés au nom de Sa Majesté chérifienne et terminés par la formule exécutoire délivrée en son nom.

(*h.*) *Codes.*—Les codes que cette juridiction appliquerait seraient à rédiger par une commission mixte de jurisconsultes qui prendrait pour modèle le Code égyptien mixte qui est très heureusement adapté à une situation analogue. Ce corps de lois n'ayant trait qu'aux obligations et aux biens, dégagé par conséquent de toute attache avec le statut personnel et de tout lien confessionnel est exclusivement laïque, et peut

s'appliquer au Maroc tout aussi bien qu'à l'Égypte, les mêmes éléments variés de religion et de nationalité se retrouvant dans les deux pays.

En matière correctionnelle, la loi applicable serait celle de la nationalité de l'accusé si l'on ne voulait pas rédiger un code spécial ainsi qu'il faudra le faire, de toutes façons, pour la procédure.

9. *Limites de Pouvoirs locaux.*

On ne croit pas utile d'entrer ici dans la définition détaillée des pouvoirs respectifs des diverses autorités: municipalité, assemblée et Commission de Contrôle.

Il importe au contraire de préciser ce qu'on pourrait appeler les limites de l'autonomie de la zone internationale.

En cette matière, le délégué français à la commission mixte a présenté une formule excellente de sauvegarde des "droits acquis," ainsi conçue :—

"La création à Tanger d'une zone municipale internationale ne peut porter atteinte aux droits, prérogatives et privilèges antérieurement concédés à des tiers, pour tout le territoire de l'Empire par le Gouvernement marocain.

"En conséquence, les porteurs des emprunts 1904 et 1910, le Trésor français créancier d'une annuité de 2,740,000 fr., l'Administration du Contrôle de la Dette marocaine qui représente les créanciers précités, la Banque d'Etat du Maroc, la régie coïntéressée des tabacs, continueront de jouir, dans la zone internationale, de tous les droits qu'ils tiennent des contrats qui les régissent, sans diminution ni réserve, et sans que les délimitations zonières puissent faire obstacle à leur action, notamment en ce qui concerne la surveillance et la répression de la contrebrande.

"Il paraîtrait équitable d'ajouter à cette liste le service des Travaux publics tel qu'il fonctionne actuellement et qui a fait ses preuves.

"Le règlement municipal de Tanger devra reconnaître expressément ces situations, et la municipalité facilitera aux divers créanciers ou établissements ci-dessus visés le libre et complet exercice de leurs droits.

"Les institutions précitées pourront, d'accord avec le Gouvernement chérifien et la municipalité de Tanger, modifier les conditions de leur fonctionnement en vue de les mettre en harmonie avec l'organisation territoriale de la zone."

Le Gouvernement de la république ne croit pas que ce texte soulève des objections de la part de l'Angleterre ni de l'Espagne.

M. Guiot a également proposé les règles suivantes :—

§ 1. Le Conseil municipal a, par délégation du Sultan, et sauf les exceptions ci-après, les pouvoirs législatifs et administratifs les plus étendus dans la zone internationale.

§ 2. La municipalité n'a pas le pouvoir de négocier et de conclure des traités avec les Puissances étrangères; elle est tenue de respecter les traités passés entre le Sultan et les Puissances. En cas de désaccord entre les stipulations des traités et les réglementations municipales, les stipulations des traités prévaudront.

§ 3. Les clauses des traités qui établissent l'égalité de toutes les Puissances en matière économique continueront, même après abrogation éventuelle des traités à s'imposer à l'administration municipale.

§ 4. Les traités qui seraient conclus dans l'avenir par le Gouvernement marocain ne s'appliqueraient au territoire municipal qu'avec l'agrément de la municipalité.

§ 5. La municipalité n'aura le droit ni d'élever ni de laisser élever des fortifications ni travaux militaires d'espèce quelconque, ni de se constituer des forces militaires ou navales, à l'exception de la police nécessaire pour son territoire.

§ 6. La municipalité garantira le libre exercice de tous les cultes. Elle respectera le statut personnel des indigènes musulmans ou israélites, tel qu'il est établi par leurs lois religieuses, notamment en matière de filiation, mariage, divorce, tutelle, succession.

§ 7. La municipalité ne peut, sans entente préalable avec les autorités des deux zones, réglementer les questions concernant—

(*a.*) Le tarif douanier et toutes autres matières douanières, telles que le cabotage, dans lesquelles la généralité des ports marocains serait intéressée.
(*b.*) Le régime foncier.
(*c.*) La monnaie.
(*d.*) Les postes et télégraphes.

§ 8. La municipalité ne peut, de sa propre initiative, ouvrir des délibérations sur les questions impliquant une entente du Gouvernement marocain avec les Puissances.

Il ne paraît y avoir de difficulté qu'en ce qui concerne le régime foncier. Le Gouvernement de la république a toujours pensé qu'il était de la première importance de ne pas abandonner ce sujet aux improvisations d'une jeune assemblée inexpérimentée. Il ignore les motifs qu'a eus le Gouvernement britannique de ne pas persister dans la même opinion. Il demande à les connaître et se déclare prêt à les étudier avec le plus amical désir de se laisser convaincre.

10. *Police.*

Il semble bien que les forces de police existant actuellement à Tanger doivent pouvoir être restreintes dans une assez large mesure. C'est une étude à faire et la solution provisoire proposée dans la note anglaise du 23 septembre est acceptable comme point de départ.

Telles sont les principales observations qu'a suggérées la dernière communication de Sir Edward Grey. En les exposant ici, le Gouvernement de la république ne prétend pas avoir rédigé *ne varietur* la charte constitutionnelle de la future zone internationale. Mais il croit avoir, à peu de chose près, marqué les grandes lignes dont il ne faut pas s'écarter si l'on veut réellement concilier tous les intérêts en présence, créer un organisme viable et sain, éviter les causes futures d'intervention—en un mot, faire œuvre utile et durable.

Paris, le 10 *octobre*, 1912.

[44727] No. 150.

Mr. Rennie to Sir Edward Grey.—(Received October 23.)

(No. 103.)
(Telegraphic.) R. *Madrid, October* 22, 1912.

MY immediately preceding telegram of 19th October: Muluya frontier.

French Government having declined Spanish formula regarding Sidi Marouf, French Ambassador yesterday morning submitted formula proposing that question whether this point and its inhabitants appertain to French or Spanish zone should be decided by delimitation commission.

Spanish Minister for Foreign Affairs seemed inclined to accept formula, but said he must consult Minister of War. Late last night he sent a reply to the effect that military authorities expressly maintained Spanish claim to Sidi Marouf.

French Ambassador had another long conversation with Spanish Minister for Foreign Affairs this afternoon. He told Minister for Foreign Affairs that latest formula he had proposed was the utmost that French Government could offer, and tried to convince him that Spanish claim to Sidi Marouf would be amply discussed and safeguarded. He pointed out that Spanish Government could still appeal to arbitration clause of convention if delimitation commission pronounced adversely to Spanish contention. Minister for Foreign Affairs said he would consult whole Cabinet and try and meet difficulty by a fresh formula.

Situation has again become delicate, and possibility of a rupture was discussed. Minister for Foreign Affairs seems apprehensive of opposition of military authorities and possibility of resignation of Minister of War.

(Repeated to Paris.)

[44827] No. 151.

Sir F. Bertie to Sir Edward Grey.—(Received October 24.)

[By Post.]

No. 177.)
(Telegraphic.) *En clair.* *Paris, October* 23, 1912.

MOROCCO.

M. Poincaré says that since the date of your instructions (despatch No. 510 of 18th October) the question of the customs and the debt has been settled in favour of Spain.

With regard to the Muluya boundary, the matter still at issue is a marabout

which the Spanish Government desire to be included in their zone, but of the exact position of which they are ignorant. M. Poincaré says that it might be a considerable distance within the French zone, and if so the Spanish claim would make it an enclave in French territory; he therefore cannot undertake to promise it to Spain. He says that the question of its inclusion in the Spanish zone must be determined by the commission.

[44826] No. 152.

Mr. Rennie to Sir Edward Grey.—(Received October 24.)

(No. 104.)
(Telegraphic.) R. *Madrid, October* 23, 1912.

MY immediately preceding telegram of 22nd October: Muluya frontier.

As the result of Council of Ministers, presided over by the King, Minister for Foreign Affairs has communicated to French Ambassador the following proposal:—

Frontier line shall, after leaving Meshra Klila in the French zone, follow northerly line of 1904 agreement. Should the Delimitation Commission decide that Sidi Marouf appertains to the tribes of the French zone, it shall also be included in small enclave, frontier line passing 1 kilom. to the east.

Spanish [? Minister for Foreign Affairs] informed French Ambassador that this proposal was the utmost limit of concession. It appears substantially to meet French demands, and it is greatly to be hoped that the French Government will see their way to accepting it.

(Repeated to Paris.)

[44969] No. 153.

Sir R. Lister to Sir Edward Grey.—(Received October 24.)

(No. 106.)
(Telegraphic.) *Tangier, October* 23, 1912.

YOUR despatch No. 132 of 15th October: Tangier road construction.

Netherlands Minister, who has resumed charge of Decanat, has issued circular proposing that we accept latest road scheme proposed by State engineer, in accordance with modification introduced by diplomatic body (see Kennard's despatch No. 255 of 29th September). If accepted, scheme will be at once put up to adjudication in the ordinary way, and will be paid for by the Caisse spéciale; adequate time limit being given. There will be no sort of concession, and no charge on future municipality.

Consider scheme as it now stands quite practical; roads are urgently needed, and I cannot see any reason for withholding from Tangier great benefit thus offered to her. It is surely out of the question that any future municipality could make a grievance of succeeding to a considerable extent of excellent roads built at the expense of the caisse. I am informed the balance of the caisse amounts to some 4,500,000 fr., including 3,000,000 fr. that had been earmarked for Casa Blanca port works, and which I understand will not now be required. Were we to reject present scheme, and were that balance to be eventually divided up between the three zones, the share accruing to Tangier would amount to something quite small, and we should have no roads. Ali Zaki has given me privately detailed statement of accounts of the caisse, and I fully share your view that we have a right to call for them officially. At the same time, I see no reason for insisting specially upon their being produced in the case of this particular adjudication. On the contrary, I am of opinion that it would be far wiser to leave certain things vague.

A detailed statement only accentuates the fact that up to the present far more than her proper proportion has been spent on Tangier. I could have understood such a demand being made by French or Spanish with the object of preventing further outlay upon Tangier, but I cannot but think it a mistake on our part if as I imagine we want to get as much as possible done for Tangier before she is left to her own slender resources.

We know that caisse possesses ample funds for the proposed work—nearly four times the sum required. Public works committee are anxious to begin them at once, in accordance with the prescribed formalities, and I am of opinion that were we now to obstruct their execution our attitude would not only be unjustifiable, but would also

seriously prejudice the interests of Tangier and the future municipality. This view is held very strongly by Dutch, German, and Spanish Ministers, and so far as I can ascertain by all the other representatives. Might I be authorised to accept scheme, at the same time if you deem it advisable requesting doyen to call subsequently for detailed account more especially with regard to question (1) advances to the "taxe urbaine" and to the "dette"; and (2) interest said to be due from the bank? I agree with Kennard that it is most important that these points should be cleared up. I regret to say that strong feeling of irritation has grown up among all classes in Tangier against what they consider obstruction of corps diplomatique to much needed improvements. Moreover, we must remember that if we now cause further delay, we run the risk of scheme being modified or withdrawn altogether; in the latter case we should have been defrauded [? completely] of roads to the value of 1,200,000 fr., as far as I can see for no reason.

We need not waste our pity on the other ports, as I understand that one of the first measures after the recognition of protectorate and the Spanish zone will be issue of large loans for public works.

Circular is now going round, and I would beg for instructions by telegraph.

[44969] No. 154.

Sir Edward Grey to Sir R. Lister.

(No. 45.)
(Telegraphic.) R. *Foreign Office, October* 24, 1912.

TANGIER roads.

In the circumstances explained in your telegram No. 106 of 23rd October, I authorise you to agree to road scheme.

[45146] No. 155.

Mr. Rennie to Sir Edward Grey.—(Received October 25.)

(No. 105.)
(Telegraphic.) R. *Madrid, October* 25, 1912.

MY immediately preceding telegram of 23rd October: Morocco convention.

French Ambassador yesterday informed Spanish Minister for Foreign Affairs that his Government accepted Spanish formula regarding Muluya frontier. One or two slight verbal alterations were suggested and have now been accepted by both Governments. Minister for Foreign Affairs informs me announcement will be made to-morrow noon to the effect that agreement has been reached. His Excellency hopes that it will be possible to initial convention within five or six days.

(Repeated to Paris.)

[45147] No. 156.

Sir R. Lister to Sir Edward Grey.—(Received October 25.)

(No. 108.)
(Telegraphic.) *Tangier, October* 25, 1912.

YOUR despatch No. 128 of 9th October: Situation in Tangier district.

French chargé d'affaires called to speak to me about the representations made by His Majesty's Ambassador at Paris. He asked me what I thought could be done. I replied, in my opinion, basha was practically entirely responsible for the deplorable situation existing with regard to corruption, and also with regard to illegal appropriation of Makhzen lands. French chargé d'affaires told me that he fully agreed, and added that French Government had suggested the dismissal of basha. I told him that, in my opinion, this was the one chance of salvation for Tangier, and that the sooner he went the better, and in the most humiliating way.

I told French chargé d'affaires he might quote me to his Government. He further said that resident-general was most anxious to get rid of him, and had asked to be furnished with actual cases. This French chargé d'affaires says can be done.

If we secure his dismissal the situation should change at once for the better.

[44412] No. 157.

Minute by Mr. White on French Memorandum respecting the proposed Tangier Municipality communicated by the French Ambassador on October 18, 1912.—(*Received October* 27.)

THE reply of the French Government cannot be considered satisfactory: whilst agreeing on some points, opposition to which it would have been difficult to justify, they maintain some of the worst features of their proposals and even accentuate them.

It is, I think, undesirable to leave the Spanish Government out of the discussion and thus deprive ourselves of their support and the negotiations with the French Government, for they are equally interested with us in preventing the French from obtaining a predominating position at Tangier. The French Government would, doubtless, be glad to negotiate with us alone and subsequently to obtain our support in overcoming any objections the Spanish Government might raise. By lending ourselves to this procedure we would offend Spanish susceptibilities and indispose that Government against us, whereas, they are at present prepared to act loyally with us. Would it not be as well, in the circumstances, to tell M. Cambon that before further discussion we consider that it would be more correct to submit the correspondence to the Spanish Government and invite an expression of their views? We would thus have the advantage of the opinion of M. Hontoria, who is extremely capable and is thoroughly acquainted with the whole subject, and we would obtain the support of Spain in combating the more objectionable features of the French proposals.

2. *Powers of the Municipality.*

The French memorandum confuses the double functions of the khalifa. In our reply we might state our point of view fully and explain that when sitting on the Committee of Control as the Sultan's representative the khalifa will be in an independent position and on an equality with the foreign representatives, though he would not enjoy any "primauté d'honneur" as is claimed for him in the French memorandum. The presidency of the Committee of Control should belong *ex officio* to the doyen of the foreign representatives. In his relations with the natives and as regards the appointment of Moorish officials (cadi, nadir, &c.) the khalifa must be under the control of the municipality and of the Committee of Control. This is a point upon which, I think, we must insist. The French admit that "il y a des motifs de ne pas revendiquer pour lui le privilège d'administrer les indigènes; cela fera normalement partie des attributions de l'autorité municipale, à laquelle il serait illogique de ne faire accorder une délégation générale de pouvoirs que pour l'en dépouiller aussitôt dans une plus ou moins large mesure." M. Guiot's formula, which is again put forward, and the proposals under heading No. 8 are entirely contrary to this principle.

3. *Area of Municipal District.*

I do not know what "mesures administratives spéciales" are here foreshadowed. At first sight I see no necessity for drawing any distinction for purposes of administration between the immediate outskirts of the town and the outlying districts. It will certainly be necessary to extend the tax on buildings to the whole district and thus place all the residents in the international zone on the same footing as regards the franchise as well as regards taxation. This point is dealt with also under heading No. 5.

4. *Machinery of Government.*

(a.) *Composition of the Municipal Council.*—The French arguments in favour of three separate electoral bodies leave me unconvinced, and I am still strongly of opinion that our proposal for a single electoral body is the simplest and best from every point of view. The French now propose to go a step further and suggest that the municipal council itself should be split up into three sections:—

(1.) Foreigners;
(2.) Native Mussulmans;
(3.) Native Jews;

and that each section should deliberate apart on certain matters. Can anything be imagined more calculated to set race against race and to sow discord in a com-

munity which it should be our endeavour to unite! It is not stated on what matters it is intended that the three sections should deliberate separately, but so far as I can gather it is on all matters on which there is likely to be disagreement, and I fear I cannot share the optimistic view that it is only on financial questions that there is likely to be a conflict of interests. If the councillors cannot come to an agreement when they deliberate together and hear the arguments on all sides of the question, it is hardly probable that an agreement would be reached when the sections deliberate separately and hear the arguments on one side only. The result would be that when the discussions have given rise to public excitement and perhaps passions have been aroused, the Committee of Control will be called upon to decide. One section of the community would necessarily be dissatisfied with the decision, whatever it might be, and there might even be a risk of disturbances. Incidentally I would remark that the memorandum here implies that it is only in case of disagreement between the three sections that the Committee of Control would have any voice in the matter, whereas it was agreed at Madrid that all decisions of the municipal council must be submitted to the Committee of Control for their express or tacit approval or for disallowance.

As stated above, I am personally strongly of opinion that a single electoral body is best; if, however, it is considered necessary to yield on this point and accept a division of the electors, we should at any rate ensure that there shall be no division of the council on religious or racial lines. By this I not, of course, wish to preclude the council itself from appointing sub-commissions of its members for dealing with special matters, should they see fit to do so. It might, for instance, appoint a sub-commission of Mussulman councillors to deal with a matter affecting Mussulman cemeteries—that is an entirely different matter from the proposal in the French memorandum.

It would perhaps be prudent to state that we do not claim that Egyptians be classed with British subjects, as suggested in the memorandum. If that were so, and Zaki Bey finds a seat on the council, one of our four seats would be lost to us.

We cannot, I think, agree to the proposal to deprive protected persons of the right to vote and to be elected. Until protection is abolished it would be unfair to disfranchise a Moorish subject because he has received protection. We only protect those who are on our official list of protégés; the French, however, and some other legations to a less degree, extend unofficial protection to a large number of Moors: they are to all intents and purposes French protégés, but their names do not figure on the official lists; there would therefore not be debarred under the French proposal. Protected persons elected as councillors should, for the purposes of limitation of numbers of councillors of one nationality, be considered as of the nationality of the protecting Power.

(*b.*) *Number of Members.*—In the second paragraph under the preceding heading it is stated: "Il n'est pas davantage question de créer à Tanger un système de représentation proportionnelle contraire au principe admis de l'égalité de droits des diverses nationalités." On what grounds then can be based the proposal to grant to Moorish subjects one-third of the total number of seats in the municipality? Under this proposal the composition of the municipal council would be as follows:—

Nominated members: one of each nation.	..	..	..	..	..	..	12	
Elected members—								
Moorish Mussulmans	..	..	..	..	..	..	6	
„ Jews	..	..	..	..	..	..	3	
							—	9
French	..	..	..	..	..	..	..	3
Spanish	..	..	..	..	..	..	..	3
Nine other nations, including British			..	..	..	..	..	3
								—
Total			..	..	..	..	..	30

That is to say, taking nominated and elected members together, the council would consist of—

10 Moorish subjects.
4 French.
4 Spanish.
12 subjects of other nations, including Great Britain.

This of course cannot be accepted. I adhere to my original opinion, that all nationalities, including Moors, should be placed on an equal footing, but even if the principle of a larger Moorish representation were to be accepted and also that of the

separation of Mussulmans and Jews, I do not consider we could go beyond allotting them a total of six seats in all, that is, one nominated and three elected Mussulmans, and two elected Jews. That would leave only seven seats to be filled by elected councillors of British, German, Italian, Dutch, Austrian, American, Belgian, Portuguese, or Russian nationality; with the exception of the last named, there would be candidates of all those nationalities who would be likely to obtain votes.

(d.) *Executive Powers.*—The French Government propose to vest the chief executive officer with large, and to some extent, independent powers. They apparently aim at the enhancing as much as possible his position and prestige, and also that of the khalifa, whilst lowering that of the representatives of the Powers, whom they always refer to as "consuls." It is absolutely essential that the position and prestige of the latter should be assured, and it should be clearly provided that the chief executive officer, whatever his title may be, and the khalifa, except when acting as the Sultan's representative on the Committee of Control, should be subordinate to them, and completely under their control. It should also be made quite clear that the chief executive officer has no powers except those derived from the municipality. He can only act in conformity with their decisions, and is responsible to them. His functions, in fact, appear to me to be summed up in the fourth of those on the list in the French memorandum, viz: "Exécuteur des décisions de l'assemblée municipale," and it is only in that sense that he can exercise the other functions quoted. He can have no independent powers to appoint or to punish the municipal agents, nor is he invested with any independent "pouvoirs réglementaires." One of the arguments put forward against his election by the municipality is that he would not in that case be independent of that body. If that is to be taken in its strict sense, it is precisely what we desire. If it is meant that he will not carry out the decisions of the municipality fearlessly and impartially, I see no reason for this fear.

There should be no difficulty in finding amongst the nominated members of the council a suitable person to exercise the duly limited functions of the chief executive officer, and I am still of opinion that it is preferable that he should be elected by the councillors from amongst their numbers. They should also elect the assistants or deputies to the chief, and in this they should have complete liberty of choice, with the sole proviso that the chief and his assistants should all be of different nationality. I do not consider it advisable to stipulate, as suggested in the memorandum, that one of the assistants should be a Moor. It is doubtful if a Moorish councillor could be found competent to fill the post; if, however, there were a Moorish candidate more suitable for the post than the others, the council would presumably elect him.

If one could have any confidence in the President of the Swiss Confederation selecting a suitable person there would be no objection to this course being adopted, except that his subordination to the Committee of Control would be more difficult, and his necessarily high salary would be a charge on the budget of the municipality. Unfortunately, I believe, past experience of officials selected in such cases by the heads of minor States has not always been very satisfactory, and should an unsuitable man be appointed it might be a delicate matter to get rid of him. It must be borne in mind that the post would be a difficult one to fill satisfactorily if the person selected had no experience of Morocco or other similar country as well as of the duties he would be called upon to perform, and it might not be easy to find a suitable candidate among the subjects of minor States.

Notwithstanding the objections set forth above, this is perhaps a point on which we might yield, if necessary, but it would be dangerous to admit the principle, as suggested, without first settling all the subsidiary questions connected therewith, such as term of appointment, position, salary, &c.

(e.) *Committee of Control.*—The experts should not be accorded the right to attend the meetings of the municipal council and the committee of control and take part in the deliberations; they should only attend when invited, and should retire after they have been heard.

5. *Franchise.*

The tax on buildings should be extended to the whole district, so as to place all residents on the same footing. The tax might, perhaps, be even extended to land, but this requires consideration, as the assessment might give rise to difficulties; so it would be better not to make the suggestion. I am not in favour of a franchise based on all direct taxation, as it would open the door to fraud, especially in regard to customs dues; it would be easy to have goods consigned to third parties so that they may pay

the duty thereon, and thus obtain the franchise, subsequently transferring the goods to the real owner by a fictitious sale. It would be practically impossible to verify the *bona fides* of such transactions.

(*a*), (*b*). I presume that by "tribunaux civils" is meant the international courts it is proposed to establish. If that is so, I see no objection. If, however, it is intended that the existing courts, consular and Moorish, of the nationality of the parties interested should decide these questions, I have little confidence in the impartiality of some of them—the tendency would be to grant the franchise to as many of their nationals as possible, stretching a point to the utmost.

The procedure suggested in the draft regulations transmitted in Sir R. Lister's despatch No. 27 of the 17th February seem to me to meet the case, both as to the elections after the constitution of the municipality and before.

6. *Revenues of the Municipality.*

The French Government profess to believe that His Majesty's Government have definitely waived their objection to the continued administration of the custom-house by the Contrôle de la Dette, and state that they take act thereof. It would be well to point out that this concession was made on the condition that the French Government met the views of His Majesty's Government on other points.

I fear that the calculation of the percentage of customs dues to be paid for goods landed at Tangier and forwarded to the Spanish and French zones will give rise to considerable difficulties, no reliable data being available. Even when the railway is working I do not see that the calculation will be easy unless there is to be some sort of customs examination in the interior, which is very undesirable. If the French cannot be induced to abandon this claim, the only course would seem to be to make a rough estimate, which must perforce be mere guess work. To attempt to revise such estimate subsequently and to make the effect of the revision retroactive appears to me inadvisable. The revision could not itself be accurate, and an additional element of uncertainty would be introduced into the budget of the municipality, which might be called upon to pay a considerable sum on this account. The valuation should be made in a spirit of liberality towards the municipality, and should be definite for the year, though subject to revision every succeeding year.

The argument of the French Government for refusing to waive its claim on Tangier for the war indemnity is scarcely a strong one, as the revenues pledged for the Spanish indemnity, taken in exchange by France, are non-existent. However, I fear, it is useless pressing the matter further. We can, however, claim that so long as the payment of the annuity is suspended in the French zone it should similarly be suspended at Tangier. Tangier can in any case only be called upon to pay its proportion calculated on the same basis as the payments for the 1910 loan. Our admission of liability on this account might possibly be used for obtaining better terms in regard to the amount to be paid on account of goods passing into the French zone. It would be an immense boom if Tangier could be altogether freed of this charge.

I was aware that the Dette assigned all the pledged revenues as collected to the service of the loans as payments were received. They will of course continue to do so in accordance with the terms of their contract. There is no reason, however, why at the end of the financial year they should not make an account showing the total revenues collected at Tangier from all sources pledged for the loans, deduct therefrom the proportionate amount due from Tangier, and credit the municipality with the balance. At any rate, the accounts must be so kept as to ensure that Tangier does not pay more than her proportion.

As regards Makhzen lands, the French memorandum admits the control of the municipality, but at the same time maintains that of the Sultan on the grounds that His Majesty will retain his control on Government lands throughout the rest of Morocco. His control in the French and Spanish zones will, however, be purely nominal, whereas at Tangier it would be effective. It is desirable that these lands should be freed from the Sultan's control, if possible. In any case, His Majesty should have no right of direct intervention in any way at Tangier. All His Majesty's powers must be delegated to the municipality or to the khalifa.

Habous.—The appointment and dismissal of the nadir, like that of the cadi and other necessary native officials, must be subject to the approval of the municipality, ratified by the Committee of Control. The khalifa himself being on the committee, the two-thirds majority is perhaps somewhat excessive—a simple majority vote by each body should be sufficient.

The application of the revenues of the habous should, within certain specified limits, be under the control of the municipality. I am informed that in Egypt and other Mussulman countries the surplus of such revenues are applied to other objects of public utility besides those specified in the French memorandum. When revised and properly administered, the revenues from this source should be considerable, and their application should not be unduly limited.

The French Government only comply with part of the request contained in the last paragraph under this heading in our memorandum. They give the assurance that when the loans are paid off the administration of the Contrôle de la Dette will cease automatically; they, however, avoid giving any assurance that the loans will be paid off at the earliest possible moment; without this latter assurance the former is not of much use, as unless the Makhzen avails itself of the right, under article 1 of the contract, to pay off the loan after the expiration of fifteen years, the Contrôle de la Dette will remain in possession until the year 1986!

7. *Public Works.*

It would be interesting to know what kind of guarantee of good administration and wise employment of the funds of the Caisse spéciale the French Government desire to obtain.

8. *Judicial Arrangements.*

Under this heading the French Government deal with the question of the abolition of the Capitulations. They profess to believe that His Majesty's Government consider it desirable that they should be abolished throughout Morocco. It should be made clear to them that for the moment there is only question of the international zone. I presume that, as regards the French zone, the question of the abolition of the Capitulations will be considered in connection with that of their abolition in Egypt, and only after reliable tribunals have been established.

The proposed formula regarding the abolition of the Capitulations in the international zone is, in my opinion, too precise, in that it is to embody the outlines of the judicial system to be established. It is undoubtedly very desirable that the abolition of the Capitulations and of protection should be effected as soon as possible, but I fear that their discussion at this stage would indefinitely prolong the present negotiations. The subject is a difficult one, and will require very careful consideration in consultation with some person well acquainted with the working of mixed tribunals in Egypt. The subject is, moreover, one on which all the Powers will insist on having their say. For these reasons I think it would be sufficient to insert in the convention an undertaking on the part of the three Powers to immediately open negotiations for the abolition of the Capitulations and of foreign protection in the international zone. In the meantime we cannot agree to the abolition of protection if our protégés are to be transferred to the jurisdiction of the khalifa.

Provision should, however, be made at once for the establishment of a mixed court to try cases of infractions of local regulations, &c., and also any actions that may be brought against the municipality, Contrôle de la Dette, Régie, and other quasi-official institutions.

The formula proposed by the French Government implies that until the abolition of the Capitulations the Makhzen will continue to exercise its jurisdiction over the natives, who would be entirely in the hands of the khalifa. This point has been dealt with above.

The last paragraph of the formula provides that the appeal in questions connected with landholding should be to the khalifa. There should, I think, be a reform in respect to the trial of such cases, both as regards the original hearing and the appeal. The present system is most unsatisfactory.

There is a diversity of interpretation of article 11 of the Madrid Convention, which stipulates that questions concerning real property rights shall be decided according to the laws of the country. It does not expressly state that such questions should be tried by a Moorish tribunal, and it may be held to mean that other tribunals are equally competent to hear such cases applying the laws of the country. We have always interpreted article 11 in its widest sense, and have referred to the cadi's court all cases involving not only questions of titles, boundaries, &c., but also those regarding disputed rights of light and similar matters. Other consular courts have interpreted the article as requiring only questions of title to be referred to the cadi, whilst some have no power to compel persons under their jurisdiction to appear before the cadi in any

case whatsoever. A reference to the cadi's court is nearly always unsatisfactory, a long purse being generally more effective than a good case; moreover, means can always be found to prolong a case indefinitely, so that it is difficult to obtain a final judgment. An appeal to the Commissioner for Foreign Affairs, under the last paragraph of article 11, is scarcely less unsatisfactory, and it is frequently quite impossible to obtain justice. In a recent case between a British and a French protégé Sid Guebbas's decision was so manifestly absurd that even the French Legation agreed not to give effect to it, though it favoured their protégé. It is therefore in every way desirable to effect a reform in this respect as soon as possible, and the French Government apparently recognise this, as in the sub-heading (*a*) they propose to give the mixed court jurisdiction in cases regarding real property, and under (*b*) they propose that the appeal should be to Lausanne, unless the parties agree to refer the case to some other court.

As stated above, further careful consideration in consultation with an expert is desirable before expressing a definite opinion on the judicial proposals. I therefore confine myself for the present to making such observations as suggest themselves to me at first sight.

(*a.*) I presume each Power represented in Morocco would have the right to appoint a judge, who must be a trained lawyer, and that the judges would sit in rotation, with the stipulation either that there should be one judge of the nationality of each of the parties, or that there should be no judge of the nationality of either party—whichever system may be thought best. We certainly could not agree that three of the four judges should of necessity be Moorish, French, and Spanish, respectively. Otherwise the proposals under this heading appear at first sight to be reasonable. It should be provided that in cases in which both the parties are of the same nationality, the trial could be held, if so desired by both parties, by the judge of that nationality, with appeal as at present.

The last line of the third paragraph seems to provide that in cases between natives the presence of a native judge only is required; it should presumably be that only in cases between natives is the presence of a native judge necessary.

I do not think that questions regarding habous should be excluded.

(*d.*) The powers of the court in such cases should be considerably larger—a maximum penalty of 25 fr. and seven days' imprisonment is, in my opinion, far too low a limitation. The court should have power to impose the full penalty provided in the regulations, with a right of the party to appeal when the penalty exceeds a certain limit.

In French courts I believe the opinions of the assessors carry as much weight as those of the judge: it is a question whether it would not be preferable to dispense with them and have courts composed of trained judges only.

According to the last paragraph, the court would only hold a preliminary hearing, and would commit the accused for trial before "la cour criminelle de la nationalité la plus proche," which would signify, apparently, that the trial would be held in Spain or in Algeria. This can hardly be really the intention—it is possibly a misprint for "*sa* nationalité." I think the court might be given jurisdiction in at any rate minor criminal cases.

(*e*), (*f*), (*g.*) Should not everything be in the name of the municipality or of the Committee of Control, by virtue of the general delegation of the Sultan?

The selection of the judges should not be left to the municipality or even to the Committee of Control; each nation represented at Tangier should have the right of naming a judge. If each nation paid its own judge, those who have little or no interests in the country would not exercise the right of appointment. The total amount of judicial fees collected at the courts could be applied first towards paying the local expenses of the courts, salaries of employés, &c.; any balance could be divided between the nations appointing judges towards meeting their salaries. The municipality would thus be saved the expense of the judges' salaries.

9. *Limitations on Powers of Municipal Council.*

The formula submitted at Madrid by M. Guiot did not contain any reference to the Service des Travaux publics; the third paragraph has now been inserted by the French Government. That service has certainly "fait ses preuves," and they have not been of a nature to encourage us to prolong its existence in the international zone!

The continuance of the Dette and Régie police in the international zone will be inconvenient, but they are rights acquired under the terms of their contracts, and I do

not see how we can abolish them without their consent and without saddling the municipality with the responsibility for possible losses of revenue by contraband which it will be difficult to stop. The Spanish Government were much opposed to the acceptance of this formula, and we postponed its discussion in the hope of coming to some agreement for freeing the customs from the Contrôle de la Dette. It appears to me difficult to refuse acceptance of this formula after elimination of the new third paragraph.

The next formula in eight paragraphs quoted in the French memorandum was drafted by M. Guiot and myself jointly at Madrid. In discussing its terms with him I expressed some doubts whether "les pouvoirs législatifs et administratifs les plus étendus" in the first paragraph was sufficiently wide. M. Guiot assured me that that expression embraced everything, and expressed his readiness to substitute for it "tous les pouvoirs de gouvernement" if I desired. The formula was submitted by me at the meeting of the delegates held on the 25th June, and was unanimously agreed to with a reservation as to § 7 (*b*) which I made on learning that the Spanish zone had free power of legislation as regards land. M. Guiot, after arguing in favour of the retention of that exception, took note of my objections, and referred the question to his Government. He subsequently, at the meeting held on the 10th July, gave his adherence to the formula with the suppression of § 7 (*b.*) I am consequently surprised that the French Government should now again raise the question and enquire the grounds on which we base our request for the suppression of § 7 (*b*), as M. Guiot must have explained them before being authorised to agree to the suppression. Land regulations were originally included among the matters regarding which the municipality should not legislate without previous agreement with the authorities of the French and Spanish zones, as it was considered desirable that uniformity should prevail throughout the Empire in the matter. Once, however, that the French and Spanish zones were free to legislate independently on the subject, uniformity became impossible, and there was no further object in requiring the municipality to consult with the other zones before legislating. To hold such a consultation would only lead to confusion, and might even result in preventing the municipality from legislating as the French and Spanish authorities would naturally each wish the international zone to adopt the legislation in force in their respective zones, and agreement would become impossible.

It would be well to add a clause expressly stipulating that the Sultan cannot maintain any fortifications or military force of any kind in the international zone.

[46050] No. 158.

Mr. Rennie to Sir Edward Grey.—(Received October 31.)

(No. 161. Confidential.)

Madrid, October 26, 1912.

Sir,

I WILL not trouble you at great length regarding the negotiations respecting the "forfait" clause and the frontier of the River Muluya of the Morocco convention, which terminated yesterday.

In my despatch No. 158, Confidential, of the 15th October I reported that the Spanish Ambassador at Paris had been directed to explain to M. Poincaré the Spanish contention that a repartition of the charges falling to the ports of the Spanish zone should take place, if the principle of the "forfait" to be paid to the Spanish zone were to be accepted. The Spanish point was that the payment of the "forfait" diminished the value of the customs in the Spanish zone, which, accordingly, should no longer pay the one-tenth of the charges on the dues of all the Moroccan ports, but a smaller proportion governed by the amount of the "forfait." They based their contention on the *procès-verbaux* of the meetings of the French and Spanish financial experts in the earlier stages of the negotiations, to which Señor Perez Cabellero was directed to draw M. Poincaré's attention.

On the 16th instant M. Geoffray informed Señor Garcia Prieto that his Government admitted the Spanish contention regarding the necessity for repartition of the dues from the customs zone, but must adhere to a "forfait" of 500,000 pesetas. This Señor Garcia Prieto the following day agreed to on the understanding that of this amount the 300,000 fr. drawn from the Atlantic ports should be considered as a fixed sum, while the 200,000 fr. due from the Mediterranean ports should be subjected to yearly revision with a system of payments to be made back to the Spanish Government when it could be proved that the dues collected at the ports fell short of the above estimated value.

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This arrangement reconciled the divergent views of the two Governments regarding the financial question. There still remained the question of the Muluya frontier, regarding which the Spanish Government have always been suspicious of French intentions.

In their note of the 16th the French Government stated that they accepted the Spanish formula offered by Señor Garcia Prieto on the 5th July, by which the ford of Meshra Klili and 1 kilom. beyond were conceded to the French zone. In his reply the following day the Minister asked that it should be expressly declared in the treaty that Sidi Marouf was to be considered as within the Spanish zone. In view of the uncertainty existing regarding the spot in question, it was unfortunate that Señor Garcia Prieto did not accept the French proposal as it stood, especially as the question, on which the Spanish Government eventually partially yielded, more than once during the next few days threatened to arrest, if not indefinitely postpone, the conclusion of the convention. A further French note of the 21st proposed that the Delimitation Commission should decide whether this obscure spot with its local chieftain and handful of dwellers should be considered as appertaining to the tribes of the French or Spanish zones. Señor Garcia Prieto was inclined to accept the formula, but told M. Geoffray that the military authorities must be consulted, and ultimately sent a written reply that Sidi Marouf must be expressly considered to be within the Spanish zone. In the course of a two hours' conversation the next day, the French Ambassador failed to induce the Minister to change his attitude. Señor Garcia Prieto said that he could not act in opposition to the Minister of War. He talked of his own resignation of office and of a Cabinet crisis should the Minister of War be further pressed, and a possibility of a rupture of negotiations was discussed. Finally, however, he promised to lay the matter before the whole Cabinet. The Council of Ministers met at the palace, and, as a result, so I understand, of the personal intervention of the King, a fresh formula was proposed, to the effect that the frontier line should start 1 kilom. east of Meshra Klili and should go northwards, following the line of the 1904 agreement as far as possible. Should the commission decide that Sidi Marouf belonged to the French zone, it was to be included in a small enclave, the frontier line passing it 1 kilom. to the east. The text of this formula, as communicated by Señor Garcia Prieto, required some slight verbal alterations which M. Geoffray made in his Excellency's presence before telegraphing to Paris. The French Government accepted the solution, and yesterday morning Señor Garcia Prieto told M. Geoffray that his alterations had been agreed to by the Spanish Government. The outstanding difficulties have accordingly been solved, and an announcement that an agreement has been reached was made to the press by the President of the Council this afternoon and a little later in the Cortes by Señor Garcia Prieto himself.

The work of collating and comparing the texts has already commenced, and it is hoped that, in spite of certain discrepancies between them, the convention may be ready for initialling in the course of the next few days. I am given to understand that, this having taken place, the idea is that the text should be communicated to His Majesty's and the German Governments before the signature of the convention takes place.

The agreement that has now been reached will undoubtedly be a great satisfaction and relief to the nation at large, and should afford some prestige to the Cabinet of Señor Canalejas, whose internal policy is just now being subjected to severe criticism.

When I saw Señor Garcia Prieto yesterday at the usual Friday diplomatic reception, he had a few minutes previously received M. Geoffray and arranged the last details above reported. He told me that a great weight had been removed from his mind, and he renewed his expressions of gratitude to His Majesty's Government for the help they have afforded him. I am sure that this support has greatly encouraged him to exercise patience during the two delicate situations created during the last two months by the consular incidents and the last phases of the negotiations, and have in no small way contributed to the conclusion of the agreement that has now been reached. M. Geoffray's ability and conciliatory attitude are so well known to you, Sir, that I will not allude to them except to mention that yesterday afternoon, immediately King Alfonso learnt that an accord had been reached, His Majesty sent his chief aide-de-camp to the French Embassy to express to M. Geoffray his personal thanks for the part his Excellency had played in these lengthy negotiations.

I have, &c.

ERNEST RENNIE.

[46364]

No. 159.

Mr. Kennard to Sir Edward Grey.—(*Received November* 2.)

(No. 264.)

Tangier, October 22, 1912.

Sir,

WITH reference to my despatch No. 251 of the 22nd September, I have the honour to transmit herewith copy of a despatch received from His Majesty's consul at Fez reporting the inauguration of the Fez municipality, and enclosing copy of the "Règlement intérieur" of the municipality and of the speeches made on the occasion.

I have, &c.

H. W. KENNARD.

Enclosure 1 in No. 159.

Consul MacLeod to Mr. Kennard.

(No. 111.)

Fez, October 12, 1912.

Sir,

WITH reference to my despatch No. 101 of the 12th ultimo, I have the honour to report that an informal meeting of the Fez municipality took place shortly after the elections for the purpose of appointing the treasurer of the new body.

The official element had a candidate of their own for that office, and he solicited the votes of the councillors. The latter, however, decided to make the choice by lot, including this candidate's name amongst others to be drawn. In the event the lot fell to another man—Sid Taib Barrada—who had never sought the office, but who accepted it, and is generally admitted to be a suitable man for it.

During the last few days the "Règlement intérieur," of which I enclose a copy herewith in Arabic and French, was promulgated—evidently by the French authorities, not as a project, but as a settled thing.

It has caused some surprise amongst the elected members, who were under the impression that the municipality would itself arrange the matters of which the "règlement" treats.

Some of the councillors spoke to me privately on the matter, and seemed disposed to oppose it strongly.

I remarked that, except for certain defects—which I shall allude to hereafter—the rules seemed very good ones, and their having been drawn up by the French authorities had saved the municipality a great deal of trouble. I thought it would be well for councillors so wholly inexperienced in such matters, and especially in view of the importance of avoiding friction at this early stage in the working of a scheme so beneficial and so novel, to limit themselves to quiet criticisms and suggestions rather than to try to force any amendments.

My idea was that the French authorities were anxious to make the municipality popular, and so, if tactfully approached, they might be quite glad to meet the wishes of the councillors, but would be, perhaps, apt to resent a different line by them.

In regard to the rules, I remarked that the committees did not seem well balanced. The officials were three as against one elected member in each. As the principle was that the elect element formed the major part of the council, it ought to be represented on the committees in the proportion of at least half and half, otherwise there might be insufficient restraint upon possible official corruption.

Then I thought that before the close of each meeting a statement of the business for the next meeting should be made, and should be furnished in writing or in print to each member of the council, say, four days before the meeting, so as to give opportunity for proper study. Similarly, members having proposals to put forward should give notice of them at the meeting before making them. This, of course, would not preclude the council, by a vote of urgency, from dealing with any matter at once.

I thought also that greater facilities for the presence of newspaper reporters might be given, under rules ensuring the responsibility of the newspaper for its correspondent's report.

To-day the municipality was formally inaugurated by the Viceroy and General Gouraud. The consuls and various Moorish friends of the members received invitations and were present at the ceremony.

The building arranged for the municipality's use is an old but very substantial one-storeyed house, conveniently situated in the official quarter of the town, belonging to the Makhzen, of four large rooms and several small ones, around a spacious tiled

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court. Two of these rooms are used as offices, the third is the council chamber, and the fourth a waiting or entertaining room. In both the council and entertaining rooms are small elevated alcoves opposite the door, and in them the Viceroy and General Gouraud were seated at to-day's proceedings.

Shortly after half-past two the Viceroy and General Gouraud arrived. After being received by the governor, they were greeted by the councillors. The various members and officials of the municipality were then, in the open court, presented to the Viceroy, each coming forward as his name was called from a list by the secretary, Sid Abdelhak Lutaf.

All present then took their places in the council chamber. A row of chairs at the governor's right, at the end of the room, were kept for the consuls.

The governor stood up and Sid Abdelhak Lutaf read, first in Arabic and then in French, an address thanking the Viceroy and General Gouraud for their presence, and desiring that telegrams of to-day's proceedings and suitable wishes be sent to the Sultan and to General Lyautey.

Sid Abdallah-al-Fessi, Viceroy's vizier, read the Viceroy's reply.

General Gouraud then made a short speech of good wishes, in the course of which he thanked the consuls for their attendance.

The business of the meeting was then proceeded with, the "Règlement intérieur" being expounded by Sid Abdelhak Lutaf.

The elected councillor, Sid Hamza Tahry, took the opportunity to enquire very gently whether the "règlement" was final, and, to everybody's surprise, was told that, on the contrary, the council could amend it as they might think fit. Later, too, Captain Mellier remarked to some councillor that his work was finished and the municipality would now work by itself, which elicited many kind hopes to the contrary. This change of attitude was, I have since been told, due to some information about the impression created by the "Règlement intérieur" having reached the French authorities, and, at any rate, it was quite inconsistent with Captain Mellier's previous language when a few days ago I asked him whether the "règlement" was a "project," he answered that it was a "settled thing."

Before the sitting ended, and with my colleagues' approval, I expressed publicly the thanks of the consuls for the invitation to be present at to-day's ceremony and our deep and sincere good wishes for all success to the municipality.

The company then moved to the entertaining room. There tea was served, while a band of Moorish musicians performed in the court.

The rooms have been furnished mostly with old furniture found in the town Treasury ("Dar Adeel"). A pleasant and unexpected feature to notice was the number of handsome and useful gifts made to the municipality for its official use, *e.g.*, to mention just a few, a tea service from the ex-Sultan's hajib, a clock from someone else, and, perhaps as a token of repentance for his loss of temper at the election (when he was a rejected candidate), a beautiful samovar from Mulai Ali Kitiry!

Altogether I was much struck by the quiet dignity, seriousness, and general good-feeling of the whole proceeding, and I left with the impression that the municipality had made a worthy and most promising beginning of its career.

In the course of the business discussed it was shown that in the eleven days alone since the municipality has taken over the street cleaning an economy of 700 pesetas —say, to-day, 23*l.* odd—has been effected, and the efficiency enormously increased as well, and that the "gerjouma" tax, which under Sid Taib Mokri's régime produced 160 pesetas a-day, now yields about 400 pesetas a-day, and this without increasing the tax by a centime!

There would seem to be every reason to believe that the other taxes as they come up in turn for public examination will reveal similar proofs of the gross corruption which previously obtained.

I beg to annex hereto copies of the three speeches delivered on the occasion—*i.e.*, by the Governor, the Viceroy, and General Gouraud.*

I have, &c.
J. M. MacLEOD.

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* Not printed.

Enclosure 2 in No. 159.

Règlement intérieur du Medjless-el-Baladi.

Dispositions générales.

ARTICLE 1er. Le medjless, en fin de chaque séance, fixe le jour et l'heure de la réunion suivante.

Art. 2. Tout membre du medjless empêché d'assister à la réunion devra s'excuser par lettre au président. Tout notable délégué devra, en outre, prévenir en temps le membre suppléant de son quartier afin qu'il puisse venir le remplacer.

Art. 3. Afin de se tenir au courant des délibérations, les membres suppléants peuvent, facultativement, assister aux séances comme auditeurs, mais ne prennent pas place autour de la table des délibérations.

Art. 4. Par moitié et d'après un tour établi, les membres du medjless pourront inviter, chacun, une personne à assister à une séance.

Le journaliste du medjless sera admis à toutes les séances.

Les auditeurs admis devront observer le silence le plus absolu.

Mécanisme des Séances.

Art. 5. Le président doit, avant toutes choses, assurer l'ordre dans l'assemblée et la bonne harmonie entre ses membres.

Il donne successivement la parole aux membres qui la demandent, évite qu'ils ne s'écartent de l'objet de la discussion et use au besoin de son autorité pour leur imposer silence si, malgré ses avertissements, ils persistent dans une attitude contraire au bon ordre.

Art. 6. Au commencement de la séance, le secrétaire donne lecture du procès-verbal de la séance précédente; le président autorise alors les membres qui auraient une question à poser au sujet de l'exécution des mesures précédemment arrêtées, ou en cours d'exécution, à présenter leurs observations, qui, s'ils en font la demande, peuvent être enregistrées au procès-verbal de la séance.

Le secrétaire lit ensuite l'ordre du jour arrêté lors de la précédente séance.

Les questions mises en discussion sont l'objet de rapports, soit du naïb du medjless, soit d'un membre spécialement désigné par sa compétence. Après lecture du rapport, la discussion est ouverte; chaque membre peut, en commençant, par la droite du pacha et en suivant l'ordre de la table, prendre la parole à tour de rôle. Si le conseil se déclare insuffisamment renseigné, les débats sont ajournés pour un complément d'enquête. Sinon, le président prononce la clôture et les conclusions du rapport sont mises aux voix.

Les votes sont exprimés, soit à mains levées, soit par boules blanches ou noires, dont la signification est "oui" ou "non," soit par écrit. Le secrétaire les recueille, les dépouille publiquement et fait connaître la décision du medjless. Cette décision, ainsi que le résumé succint des débats, est consignée sur le registre des délibérations et signée par le président au nom de la majorité de l'assemblée.

Après chaque séance, le registre est transmis par les soins du secrétaire au Bureau des Renseignements pour être soumis au visa du commandant de la région de Fez.

Commission des Adjudications.

Art. 7. La Commission des Adjudications prévue par le règlement se compose du Khalifa Kébir, du naïb du medjless, de l'Amin-el-Mostafadat et d'un membre élu par le conseil.

Cette commission est tenue par l'Amin-el-Mostafadat au courant des dates d'expiration des différents marchés, de manière à ce qu'ils soient renouvelés en temps utile. Pour ceux d'entre eux qui lui paraissent d'un rapport insuffisant, elle propose au conseil la gestion directe. Si l'adjudication doit être renouvelée, elle la fait annoncer un mois à l'avance par crieur ou tout autre moyen de publicité; elle prend les mesures nécessaires pour que la vente se fasse aux enchères publiques et veille à ce que, seules, les personnes présentant des garanties suffisantes soient admises à y prendre part. Le résultat de l'adjudication est soumis par la commission à l'approbation du medjless. Pour celles des taxes qui sont en gestion directe, elle surveille les oumana chargés de la perception.

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Exécution des Travaux.

Art. 8. Toutes les fois que la chose est possible, les travaux publics à entreprendre sont l'objet d'une adjudication, en partant d'un prix de base déterminé, l'adjudicataire étant celui qui offre le rabais le plus considérable. A cet effet, une Commission des Travaux, nommée au sein du medjless, élabore un cahier des charges, qui est soumis à l'approbation du conseil, et reçoit les travaux une fois achevés.

Sinon, les travaux sont concédés de gré à gré et s'exécutent sous le contrôle du naïb du medjless. Ce dernier propose, s'il y a lieu, les avances qui doivent être faites à l'entrepreneur, dont, en fin de travail, les comptes sont remis pour examen à la Commission des Travaux.

Cette commission se compose d'un des khalifas de Fez, du naïb du medjless et d'un membre notable élu par le conseil. Elle présente au conseil un rapport sur le travail exécuté et lui propose la somme définitive à payer, pour laquelle ordre est donné au trésorier du medjless.

Les dépenses d'un caractère permanent, telles que celles concernant, par exemple, l'éclairage, le gardiennage, le nettoyage de la ville, sont effectuées par l'intermédiaire du naïb du medjless, qui perçoit les sommes nécessaires sur présentation d'une facture hebdomadaire ou mensuelle, dont il justifie le montant par des reçus ou des états d'émargement.

Établissement d'un Budget annuel.

Art. 9. Une des premières préoccupations du medjless consiste dans l'établissement d'un budget municipal. Les membres du medjless doivent avoir la situation financière de la ville constamment présente à l'esprit et n'autoriser de dépenses que dans les limites où le permettra le budget.

Le budget, pour l'année suivante, doit être voté dans les trois derniers mois de l'année. Il est établi par une Commission du Budget composée du Khalifa Kébir, du naïb du medjless et d'un membre notable élu. Cette commission présente au vote du conseil un rapport faisant ressortir, d'une part, les recettes, d'autre part, les dépenses d'un caractère permanent. Elle propose les mesures propres à faire rendre leur maximum aux taxes déjà existantes et les réductions de dépenses qu'elle juge nécessaires. L'écart final entre les recettes et les dépenses donnera la somme annuelle disponible pour les travaux ou les dépenses n'ayant pas un caractère renouvelable.

Secrétaire-Interprète et Trésorier.

Art. 10. Le secrétaire-interprète est l'intermédiaire des autorités françaises auprès du medjless. Il tient le registre des délibérations, classe et conserve les archives du conseil, se tient à la disposition des différentes commissions ainsi que du naïb du medjless pour la rédaction des rapports et, d'une manière générale, pour toutes les écritures.

Art. 11. Le trésorier détient les clefs du coffre-fort municipal, qu'il présente aux inspections inopinées des membres désignés par le medjless. Il encaisse tous les dix jours le produit des taxes affermées, quotidiennement celui des taxes en gestion directe. Il satisfait à toutes les dépenses pour lesquelles il reçoit un ordre du medjless. Il ne conserve pas en caisse une somme supérieure à celle destinée à satisfaire aux dépenses d'un mois et verse l'excédent en banque. Il classe et conserve les archives qui justifient de sa comptabilité.

Les sommes versées en banque seront retirées sur présentation de chèques signés par lui et contresignés par le président du medjless.

[47059] No. 160.

Sir F. Bertie to Sir Edward Grey.—(Received November 6.)

(No. 469.)

Paris, November 5, 1912.

Sir,

I HAVE the honour, with reference to your despatch No. 516 of the 24th ultimo, to transmit to you herewith copy of a note from the French Minister for Foreign Affairs, replying to Mr. Carnegie's note of the 27th July last (copy of which was forwarded to you in his despatch No. 325 of the 27th July) on the subject of the guarantees for British missionary work in Morocco.

I have, &c.
FRANCIS BERTIE.

Enclosure in No. 160.

M. Poincaré to Sir F. Bertie.

Paris, le 31 octobre, 1912.

M. l'Ambassadeur,

PAR sa lettre du 26 de ce mois, votre Excellence, me rappelant une communication de Mr. L. D. Carnegie du 27 juillet précédent, m'a prié de la renseigner sur la situation qui sera faite sous le régime du protectorat aux missionnaires de nationalité britannique établis au Maroc.

Il est hors de doute qu'aussi longtemps que subsisteront les Capitulations dans l'Empire chérifien, le régime applicable aux missions, à quelque nationalité qu'elles appartiennent, restera le même que par le passé.

Lorsque l'unité de juridiction aura été établie, et que des règlements d'administration publique seront régulièrement appliqués sur le territoire du protectorat, il sera pourvu à l'exercice des cultes et de la bienfaisance comme aux autres nécessités de la vie publique.

Le règlement relatif à l'établissement et au fonctionnement des missions n'est pas encore élaboré. Mais je puis donner à votre Excellence l'assurance que les missions britanniques y trouveront toutes les garanties compatibles avec le maintien de l'ordre public pour leur établissement et le développement de leur action.

Agréez, &c.
POINCARÉ.

[47456] No. 161.

Sir Edward Grey to Sir M. de Bunsen.

(No. 120.)

Foreign Office, November 11, 1912.

Sir,

THE Spanish Ambassador called at the Foreign Office on the 7th instant and informed Sir E. Crowe that a fresh hitch had arisen at the last moment in connection with the Franco-Spanish Convention respecting Morocco, owing to a new demand put forward by France.

Under existing treaties Spain is precluded from erecting any fortifications on the coast of the newly-acquired Spanish zone in Morocco. The French Government, at an earlier stage of the negotiations, had proposed a repetition of this stipulation in the new convention. Spain had objected to this as quite unnecessary, since it was already provided for, and France had definitely agreed to drop the matter. Now, at the last moment, the French Government demanded the insertion of a clause precluding Spain not only from fortifying the coast line of her new protectorate, but also from in any way adding to the fortifications of the old Spanish fortresses of Ceuta and Mellila, which have been in Spain's possession for centuries, and which have never been subject to any restrictions as regards fortifications. The Spanish Government have in vain pointed out the unreasonableness of this demand, but the French Government have insisted on such a clause being included in the agreement. The Spanish Government have definitely decided that they cannot give way on this point, and there is consequently another deadlock.

At the same time, France has now agreed to the Spanish proposal that the new convention, after being initialled, but before being actually signed, shall be communicated to the German Government.

I am, &c.
E. GREY.

[48088] No. 162.

Sir F. Bertie to Sir Edward Grey.—(Received November 12.)

(No. 475.)

Paris, November 9, 1912.

Sir,

I HAVE the honour, with reference to your despatch No. 493 of the 9th October on the subject of the lawlessness in the Tangier district, to transmit to you herewith correspondence with the French Government.

I have, &c.
FRANCIS BERTIE.

Enclosure 1 in No. 162.

Sir F. Bertie to M Poincaré.

Paris, October 12, 1912.

M. le Ministre,

REPORTS have reached His Majesty's Government of the state of lawlessness and anarchy prevailing in the Tangier district. Robbers and criminals, so it is stated, from the neighbouring tribes escape into the Tangier district and even come into the town with impunity.

It is said to be unsafe to travel outside the town after nightfall, and many cases of robbery are reported in the Fahs.

Much of the prevailing lawlessness appears to be due to the apathy and connivance of the Basha of Tangier and the Sultan's commissioner, and the failure of the rural police to take any action. As the two above-mentioned Moorish officials avow their absolute dependence on the French authorities, I have been instructed by Sir Edward Grey to express the hope that the latter will be directed to insist upon their doing their duty.

I have, &c.
FRANCIS BERTIE.

Enclosure 2 in No. 162.

M. Poincaré to Sir F. Bertie.

Paris, le 4 novembre, 1912.

M. l'Ambassadeur,

PAR sa lettre du 12 octobre dernier votre Excellence a bien voulu signaler l'état de trouble et d'insécurité qui règne dans la banlieue de Tanger.

Des renseignements que j'ai reçus du gérant de l'agence de la république à Tanger il résulterait que la situation dont m'a entretenu votre Excellence paraît avoir été décrite au Gouvernement Royal avec une certaine exagération, particulièrement en ce qui concerne l'inactivité reprochée à la police extra-urbaine. Le Ministre de la Grande-Bretagne en s'entretenant de la question avec M. H. Martin lui a déclaré qu'aucun reproche ne saurait être adressé au tabor de police et que la situation actuelle n'était due qu'à l'incapacité et à la vénalité du pacha.

Il me paraît que l'opinion de Sir Reginald Lister est conforme à la réalité. Des renseignements qui me parviennent de Tanger il résulte que la police extra-urbaine s'acquitte à la satisfaction générale de la tâche qui lui incombe. Telle qu'elle a été prévue par l'Acte d'Algésiras, c'est une force armée chargée d'assurer le maintien de l'ordre, mais impropre aux opérations de police proprement dites réservées à la police civile dans la banlieue des villes d'Europe. Le rôle de cette dernière police est rempli à Tanger par les agents attachés aux différentes missions diplomatiques ou consulaires et par les mokhaznis du pacha, et il est du reste juste de constater que, chaque fois qu'il en a été requis, le chef de la police extra-urbaine a prêté aux uns ou aux autres de ces agents le concours de sa troupe. Mais trop souvent, lorsque les hommes du tabor ont conduit devant le pacha des malfaiteurs arrêtés, ceux-ci ont été relâchés à très bref délai, soit qu'ils fussent assez riches pour payer les cadeaux d'usage, ou trop pauvres pour être rançonnés, ou encore sur l'intervention de quelque légation.

Par ailleurs, le Gouvernement britannique aurait été avisé que des malfaiteurs de tribus environnantes se réfugient impunément sur le territoire de Tanger. Le fait peut être exact, mais il convient de rappeler qu'une lettre du Sultan a interdit aux gouverneurs d'arrêter les indigènes étrangers à leurs circonscriptions, sauf en cas de délit commis sur leur territoire. C'est ainsi que certains membres des Ahl Serif, adversaires de Raïsouli, se sont réfugiés dans le Fahs, et, bien que ce soit à une assez grande distance de Tanger, peut-être est-ce cet incident qui a causé quelque appréhension au chargé d'affaires britannique.

Hors ce cas où le Pacha de Tanger est lié par un ordre supérieur, c'est à ce fonctionnaire chérifien qu'incombe la responsabilité des désordres du genre de ceux qui ont été signalés à votre Excellence. Je n'ignore pas, au surplus, l'insuffisance dont Sid Mokhtar-el-Mokri a fait preuve dans ses fonctions, et j'ai déjà prié le résident général de France au Maroc de solliciter du Sultan son remplacement.

Il est à espérer que la nomination prochaine d'un nouveau Pacha de Tanger, soigneusement choisi, donnera satisfaction à un vœu général et légitime.

Agréez, &c.
R. POINCARÉ.

[48591] No. 163.

Sir M. de Bunsen to Sir Edward Grey.—(Received November 14.)

(No. 110.)
(Telegraphic.) *Madrid, November* 14, 1912.

MY despatch No. 164: Fortification of coast line.

French Ambassador being authorised to accept the Spanish version of the article in dispute, Morocco Convention will be initialled this afternoon. French Ambassador believes that French Government still intend to communicate text of the convention to the British and German Governments, and he presumes that if no objection is raised signature will follow in a few days.

(Sent to Paris.)

[48695] No. 164.

Sir M. de Bunsen to Sir Edward Grey.—(Received November 14.)

(No. 111.)
(Telegraphic.) *Madrid, November* 14, 1912.

MY immediately preceding telegram of to-day.

Minister for Foreign Affairs has sent me confidential printed copy of Morocco Convention with a protocol concerning Tangier–Fez Railway, which were initialled this afternoon by his Excellency and the French Ambassador. Copy has likewise been forwarded to Spanish Ambassador at London for communication to His Majesty's Government. French Ambassador informs me that, according to despatch received by the Minister for Foreign Affairs from the Spanish Ambassador at Paris, the French Government is now inclined to communicate these documents to all the Algeciras signatory Powers, but the French Ambassador does not know if this will be done before or after full signature of convention.

(Sent to Paris and Tangier.)

[48615] No. 165.

Sir M. de Bunsen to Sir Edward Grey.—(Received November 15.)

(No. 164.)
Sir, *Madrid, November* 12, 1912.

I LEARN from the Minister of State and the French Ambassador that, owing to differences between them concerning the final text of two or three articles of the long-debated convention, there will still be some delay before this document can be got ready for initialling.

The main point in dispute is concerned with the extent of the coast-line of Morocco, which is to remain unfortified except in respect of existing Spanish fortifications. This coast-line has been variously defined as follows:—

1. Anglo-French Declaration of 1904 concerning Egypt and Morocco, article 7. Coast comprised between, but not including, Melilla and the heights which command the right bank of the River Sebu.

2. Franco-Spanish Convention of October 1904, article 14. Above coast-line to start from 30 kilom. south-east of Melilla.

3. Draft convention submitted to Spanish Government by French Ambassador in December 1911, article 5. Coast between the Muluya and Lucos rivers.

4. Spanish counter-draft of January 1912. Quotes Nos. 1 and 2. Coast from 30 kilom. south-east of Melilla to heights which command the right bank of the River Sebu.

5. Text demanded by the French Ambassador on the 8th November, 1912. Coast from Muluya to point where parallel 35 of north latitude meets the Atlantic.

No. 4 was formally accepted by M. Geoffray on behalf of his Government in February of this year. Since that date the question was regarded by both parties engaged in the negotiation at Madrid as finally settled, and it was never reverted to by either M. Geoffray or by Señor Garcia Prieto till the former produced on Friday last, under instruction from M. Poincaré, the definition given under No. 5.

M. Geoffray has explained to me privately that the French Government had been led to form an erroneous idea of the Spanish demand, owing to the fact that they had only consulted an inaccurate French translation, which had been hastily prepared by the French Ambassador, and forwarded in January last to Paris with the original Spanish text. The translation was open to the interpretation that Spain had assented to a non-fortifiable coast-line coinciding exactly with the Spanish zone in Morocco. This was precisely the point which Spain had intended to reject, inasmuch as she objected strongly to a definition which would make it appear that France would be allowed to fortify and Spain not. M. Geoffray could only explain that there had been a misunderstanding, and that France was now unwilling to bind herself by what she must regard as a superfluous engagement with Spain not to fortify a portion of the French zone, that is to say, the 70 or 80 kilom. of coast between the heights overlooking the right bank of the Sebu and the south-western terminus of the Spanish zone. She was sufficiently bound by her engagement with England to abstain from fortifying the piece of coast-line in question. Moreover, even if England should absolve her from this obligation, it was inconceivable that France should ever be led to erect expensive military works along this barren strip of sandy beach.

Señor Garcia Prieto was unconvinced by these arguments. He said he must hold the French Government to their acceptance of the Spanish text as formally intimated to him in the month of February last. He could never justify before the Cortes a concession which would perhaps enable France some day to raise fortifications threatening the security of Alcazar and Larache.

In reporting to Paris his conversation with the Minister of State, M. Geoffray informs me that he has expressed the view that France is acting somewhat ungenerously in seeking to reopen this question at the last moment. His Excellency hopes to receive authority to accept finally the Spanish text, which merely repeats the engagements respecting non-fortification lying at the basis of the Anglo-French *entente*.

I have, &c.
MAURICE DE BUNSEN.

[48724] No. 166.

Tangier Municipality: Memorandum by Mr. White on Madrid Discussions.—(*Received November* 15.)

(Confidential.)

IN all my conversations with M. Guiot at Madrid and San Sebastian he was in complete agreement with me as regards the composition of the municipality, a single electoral body, the qualification for franchise, the powers of the municipality and its absolute independence of the Sultan, and also as regards the composition and powers of the Committee of Control.

At the 5th meeting of the delegates held on the 22nd June I explained the views of His Majesty's Government as to the composition of the Municipal Council, and at the next meeting, held two days later, the question was gone into further. M. Guiot raised no objection, and, in reply to a proposal of the Spanish delegate to allot fewer seats to natives, he observed that his Government "eût désiré qu'en raison de leur nombre, les Marocains eussent un nombre de sièges plus élevé. Il a consenti à admettre que les Marocains fussent traités sur le même pied que les étrangers, il n'admet pas qu'ils fussent traités moins favorablement." From this it is clear that the French Government had authorised M. Guiot to agree to Moors being placed on exactly the same footing as other nationalities as regards representation on the council.

M. Guiot used to transmit to his Government copies of the *procès-verbaux* of our meetings. It is therefore evident that at that time the French Government accepted my proposals as to the composition of the municipality and the system of election, as otherwise M. Guiot would have been instructed to propose modifications. Not only did M. Guiot raise no objections, but in our conversations he spoke of those questions as being settled except for the objections raised by Spain in regard to the qualification of voters.

In regard to the powers of the municipality, M. Guiot observed at the 1st meeting, held on the 18th June, that "le Gouvernement français a renoncé à réserver au Sultan une tutelle sur Tanger," and at the meeting held on the following day he signified his concurrence in the view I had expressed, that "la généralité des pouvoirs devrait appartenir à la municipalité. C'est là le principe: nous aurons à examiner les

exceptions qui seraient motivées par les traités, contrats, &c."; whilst at the 3rd meeting, held on the 20th June, he observed, with reference to a declaration made by the Spanish delegate, that "il retient purement et simplement de la déclaration de M. Padilla la reconnaissance du principe général de l'indépendance absolue de la municipalité."

At the 7th meeting, held on the 25th June, I submitted the draft article in eight paragraphs, defining the powers of the municipality quoted on p. 9 of the last French memorandum. This article had been drafted by M. Guiot and myself jointly, and it was accepted by him at the meeting, the question of the exclusion of "§ 7 (*b*), Régime foncier," being allowed to stand over pending receipt of instructions from his Government. At the next meeting, however, held on the 27th June, M. Guiot, under instructions from his Government, withdrew his acceptance of this article. He explained to me in strict confidence that his Government had originally desired to secure a French control over Tangier by constituting the municipality in such a manner that French influence would be completely predominant, but that, in deference to the wishes of His Majesty's Government, and on the advice of General Lyautey, they had abandoned this idea, and had resigned themselves to accepting an independent and truly international municipality. Recently, however, he had perceived that "evil influences were again at work at the Quai d'Orsay," and there was an inclination to revert to the old policy. On the advice of M. Geoffray he had therefore resolved to return to Paris in order to combat these evil influences, and he hoped to be back in Madrid by the end of the week with satisfactory instructions.

M. Guiot was evidently unsuccessful, for at the 9th meeting, held on the 10th July, immediately after his return, he submitted the draft article quoted on p. 2 of the last French memorandum, reserving for the khalifa the same powers as are enjoyed by the foreign representatives, thus entirely modifying the effect of the article in eight paragraphs defining the powers of the municipality, which he now again accepted, agreeing to the omission of "§ 7 (*b*), Régime foncier."

Even then, however, the French Government did not go so far as it now does, as the agreement in regard to the composition of the municipality, the system of election, &c., still held good; and M. Guiot told me that, whilst his instructions were that he was to be firm as to (1) the maintenance of the Contrôle de la Dette at the custom-house, (2) the powers of the khalifa in relation to the natives, and (3) the presence of the khalifa on the Committee of Control, he had been authorised to accept, at his own discretion, all other reasonable proposals for the establishment of an international régime at Tangier.

The question of the executive had not been formally discussed at the meetings, but it had been provided in the article regarding the composition of the municipality, submitted at the 5th meeting, that the Municipal Council should elect from among its own members its president and vice-presidents. In my conversations with M. Guiot we were agreed that the Council should appoint the executive officers, and we were of opinion that provision should be made for this in the "Règlement intérieur" to be drawn up by the Municipal Council. This was formerly also the view of the French Government, for in their draft scheme of the 23rd March it is provided in article 5 that—

"Le Conseil municipal aura les attributions les plus étendues en matière d'administration, de règlement et de finances. Il élira son président et il pourra choisir parmi ses membres une commission administrative, chargée du pouvoir exécutif."

November 14, 1912.

Annex.

Procès-verbaux of Sittings of Tangier Commission at Madrid and San Sebastian, 1912.

Première Séance, le 18 *juin*, 1912.

Présents: MM. Padilla, White et Guiot.

M. Padilla expose le programme des questions que le Gouvernement espagnol voudrait mettre d'abord en discussion:—

1. Périmètre de la zone internationale de Tanger.
2. Question douanière.

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M. Guiot fait toutes réserves sur la question générale des douanes au point de vue d'administration et produits, mais il admet qu'on discute la part à attribuer à la municipalité de Tanger sur le produit des douanes.

M. Padilla dit que le khalifa du Sultan, dans la pensée de l'Espagne, aurait la perception des revenus douaniers ; il en effectuerait la répartition suivant des bases préalablement arrêtées, après service fait des emprunts. La Douane serait dans la dépendance du khalifa de la zone espagnole.

M. Guiot.—Même si le Gouvernement français admettait ce principe, M. Guiot, comme représentant des porteurs, devrait faire des réserves.

Mr. White.—Il y a la question de principe qui domine toutes celles qui sont soumises à notre examen. Doit-il y avoir ou non un lien quelconque entre la municipalité et le khalifa de la zone espagnole ? Les trois zones doivent être, à son avis, indépendantes. La municipalité n'a rien à voir ni avec la zone espagnole, ni avec la zone française.

M. Guiot partage la même opinion. Le Gouvernement français a renoncé à réserver au Sultan une tutelle sur Tanger ; il ne pourrait admettre que cette tutelle fût exercée par le khalifa du Sultan en zone espagnole.

M. Padilla tient à faire remarquer avec insistance que sa proposition n'implique pas que le khalifa exerce une autorité sur la municipalité de Tanger, ni qu'elle porte atteinte à l'indépendance de la municipalité.

Mr. White et *M. Guiot* considèrent que les instructions de leurs Gouvernements sont sur ce point formelles ; ils prient M. Padilla d'en référer, en ce qui le concerne, à son Gouvernement.

Réunion demain (19 juin) à 11 heures.

Deuxième Séance, le 19 *juin*, 1912.

M. Padilla en a référé à son Gouvernement en ce qui concerne l'indépendance de la zone internationale vis-à-vis du khalifa de la zone espagnole. Le Gouvernement de Sa Majesté maintient sa proposition antérieure notamment pour les raisons suivantes :—

1. L'indépendance de la zone internationale au regard de la zone espagnole aurait pour conséquences des difficultés sérieuses dans l'ordre économique.
2. La zone de Tanger se trouve enclavée dans la zone espagnole.
3. Tanger est situé en face de l'Espagne et en communications commerciales constante avec elle.

M. Guiot fait observer que la zone espagnole est elle-même enclavée dans la zone française et devrait, par application de cette théorie être vis-à-vis la zone française dans une certaine relation de dépendance.

M. Padilla maintient son point de vue. Il n'estime pas qu'il y ait identité entre les deux termes de la comparaison. Il expose ses vues en ce qui concerne spécialement la question des douanes et distingue trois éléments :—

1. Les pouvoirs que le Sultan exerce actuellement sur la douane.
2. Le contrôle exercé par l'Administration de la Dette sur la douane.
3. Les excédents libres ou produits des douanes.

Il ajoute qu'il conçoit très bien que la première et la troisième questions peuvent être traitées séparément de la deuxième, car les pouvoirs du Sultan peuvent, en effet, être conservés par lui, ou bien être cédés au khalifa, ou bien encore être cédés à la municipalité, sans que les droits du contrôle soient modifiés. Ce serait au Sultan, au khalifa ou à la municipalité à s'entendre avec qui de droit pour établir un système analogue à celui qui est destiné à prévaloir à Tétouan et à Larache.

M. Guiot ne peut pas accepter que soit mise en discussion devant la commission la question de l'administration ou du contrôle des douanes, ni qu'il soit établi un rapport quelconque entre le régime envisagé pour Tétouan et Larache et le régime de la douane de Tanger. Il tient à répéter qu'il est prêt à discuter l'attribution au budget de la municipalité d'une part dans les excédents libres des douanes.

Mr. White désirerait que la question d'une entente entre l'Administration des Douanes et la municipalité ne fût pas considérée comme ne devant pas être examiné par la commission. Ceci ne restreindrait, dans sa pensee, en aucune manière, la liberté de discussion de M. Guiot.

Mr. White, revenant sur la question du khalifa, pense qu'il y aura sans doute dans la zone internationale un représentant ou khalifa du Sultan, de même que dans la zone espagnole et que ces deux khalifas seront vis-à-vis du Sultan dans la même situation et qu'il n'y aucun lien entre ces deux khalifas.

M. Padilla estime que si quelque rapport doit exister entre la douane et un représentant ou khalifa du Sultan, ce représentant doit être le khalifa de la zone espagnole. Il demande comment seraient attribués les pouvoirs, prérogatives et bénéfices qu'il a distingués tout à l'heure.

Mr. White a répondu que la généralité des pouvoirs devrait, dans se pensée, appartenir à la municipalité. C'est là le principe : nous aurons à examiner les exceptions qui seraient motivées par les traités, contrats, &c.

M. Guiot partage cette manière de voir.

Mr. White et *M. Guiot* prient M. Padilla d'en référer à nouveau à son Gouvernement sur la question de principe de l'indépendance absolue de la municipalité de Tanger aussi bien vis-à-vis de la zone espagnole que de la zone française.

Troisième Séance, le 20 *juin*, 1912.

M. Padilla déclare qu'il en a référé à son Gouvernement au sujet de la question de principe posée dans la séance d'hier. Le Gouvernement de Sa Majesté n'a jamais mis en question la question de l'indépendance de Tanger, aussi bien vis-à-vis de la zone espagnole que de la zone française. Les observations du Gouvernement Royal en ce qui concerne la Douane se basaient sur la thèse en vertu de laquelle on pourrait très bien concilier cette indépendance avec le fonctionnement d'un service douanier dans lequel l'administration du khalifa aurait, pour les raisons exposées hier par M. Padilla, un rôle à remplir.

En présence, toutefois, de l'avis contraire exprimé par ses collègues, M. Padilla est prêt à admettre que le principe de l'indépendance de la municipalité aussi bien vis-à-vis du Sultan que du khalifa soit étendu au fonctionnement de la douane comme à toutes autres matières.

Mr. White prend acte de la déclaration de M. Padilla.

M. Guiot fait toutes réserves en ce qui concerne la mise en cause de la douane de Tanger à propos de la déclaration de principe relative à l'indépendance absolue de la municipalité. Il retient purement et simplement de la déclaration de M. Padilla la reconnaissance du principe général de l'indépendance absolue de la municipalité.

Quatrième Séance, le 21 *juin*, 1912.

M. Padilla expose que dans la pensée de son Gouvernement le périmètre nécessaire aux besoins vitaux de la zone municipale de Tanger pourrait être constitué par le territoire compris dans un rayon de 6 kilom. à compter des limites du Tabor urbain. Les points extrêmes seraient à l'est la pointe de Malabata incluse, à l'ouest la Punta de los Pichones, et au sud le Dshar Beni Saïd. Le rayon de 6 kilom. proposé serait un rayon moyen et la limite tiendrait compte des conditions géographiques.

Mr. White expose que dans la pensée de son Gouvernement il faut réserver à Tanger international le territoire suffisant non seulement aux besoins de la ville actuelle, mais aussi de la ville future, approvisionnements, eau, &c. Il estime que pour déterminer les limites de ce périmètre il convient de s'inspirer des principes ci-après :—

1. Le périmètre doit englober tout le Fahs, qui a toujours été considéré comme faisant partie du Gouvernement de Tanger.
2. Il y a lieu d'éviter autant que possible de couper en deux une même tribu ; cependant, il sera nécessaire dans l'est de faire exception à ce principe, afin de mieux assurer la sécurité de la zone internationale et de lui réserver l'intégralité de la baie de Tanger.
3. Il y a lieu de rechercher des limites précises, plus spécialement des limites naturelles et surtout des cours d'eau.

S'inspirant de ces principes, Mr. White propose la délimitation suivante :—

La limite partirait de l'embouchure de l'Oued Tahaddartz sur l'Atlantique, et suivraient le thalweg des rivières dénommées ci-après : Oued Mharhar, Oued-el-Quebir,

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ALLY WITHOUT PERMISSION OF THE

Oued-el-Yumma, Oued-el-Garifa, jusqu'au Yebel Zemzem, puis l'Oued-el-Guerara, Oued Fraza, Oued-el-Haddad, et Oued Lian jusqu'à son embouchure. Les indications ci-dessus sont prises sur le "Croquis del Imperio de Marruecos de la Comisión del Cuerpo de E. M. del Ejercito" au $\frac{1}{100000}$. La limite entre les sources de l'Oued Garifa et l'Oued Guerara sera déterminée sur place par une commission spéciale.

En fait, ce territoire aurait sensiblement un rayon moyen de 15 kilom. compté de la limite du Tabor urbain.

M. Guiot, prié de donner son opinion, expose que la question paraît à certains égards intéresser plus spécialement les Gouvernements anglais et espagnol. Il estime que les raisons développées par Mr. White doivent être prises en considération, spécialement pour ce qui a trait à la nécessité d'une bonne frontière et aux besoins du Tanger actuel et de son développement futur. Personnellement et se plaçant au point de vue de la bonne gestion par l'Administration de la Dette du service domanial, M. Guiot estime qu'en tout état de cause il eût dû appuyer une formule de délimitation ayant pour base un rayon minimum de 10 kilom.

M. Padilla.—Le Gouvernement espagnol est très désireux de donner, comme l'indiquait Mr. White, satisfaction aux besoins de la ville de Tanger. Pour l'alimentation en eau M. Padilla déclare que le Gouvernement espagnol s'engagerait à permettre à la municipalité de procéder au captage des sources dans la zone espagnole. D'autre part, l'adoption du rayon de 6 kilom. n'est pas de nature, aux yeux de M. Padilla, à faire obstacle à approvisionnement de la ville de Tanger et de sa banlieue.

M. Padilla considère que la ville de Tanger pourrait se développer sans le Fahs quant aux limites naturelles jugées nécessaires par Mr. White, il estime qu'on les pourrait peut-être trouver dans le rayon de 6 kilom.; et pour ce qui concerne la sécurité, il est d'avis que plus le périmètre sera restreint, mieux la police sera assurée.

M. Padilla se déclare tout disposé à soumettre à son Gouvernement la proposition de Mr. White avec les considérations développées par lui et par M. Guiot.

M. Guiot pense que rien ne s'oppose à ce que la commission, en attendant de connaître l'opinion définitive du Gouvernement espagnol, continue l'examen des autres questions de son programme.

Cinquième Séance, le 22 juin, 1912.

Mr. White expose les idées de son Gouvernement sur la question de la composition du conseil municipal.

Le conseil comprend deux catégories de membres au total actuellement de vingt-quatre, dont douze conseillers élus et douze conseillers désignés par les représentants des Puissances du Sultan. Chacun de ces représentants désignant un conseiller choisi parmi les éligibles de sa nationalité.

Il ne peut y avoir plus de quatre conseillers d'une même nationalité, y compris les conseillers désignés.

Le conseil municipal élit parmi ses membres son président et son ou ses vice-présidents.

La durée du mandat est la même pour les deux catégories de conseillers.

Nul n'est éligible s'il n'est électeur.

M. Guiot signale la difficulté s'application que peut faire naître la disposition finale de l'alinéa 2 ci-dessus au cas où un représentant étranger n'aurait pas de ressortissant éligible.

Il est décidé que cette question sera jointe à l'examen de la question générale de l'éligibilité.

M. Padilla est d'avis qu'il ne faudrait pas limiter le nombre des conseillers élus attribués à chaque nationalité.

La suite de la discussion est renvoyée à lundi.

Sixième Séance, le 24 juin, 1912.

Mr. White précise ses idées, proposant la rédaction ci-après à l'examen de la commission:—

Ne sont pas éligibles:

(*a.*) Ceux qui ont subi une condamnation aux travaux forcés, à la détention, à l'exil, à l'interdiction des droits civiques, ou à l'internement dans une localité désignée, ou une condamnation pour vol, escroquerie, abus de confiance ou attentat aux mœurs.

(*b.*) Ceux qui ont été révoqués des fonctions qu'ils remplissaient au service d'un Gouvernement, soit à la suite d'une condamnation judiciaire, soit par décision d'un conseil de discipline, pour manquement au devoir, malversation, prévarication ou concussion.

(*c.*) Ceux qui sont en état de faillite déclarée et les interdits.

Sont électeurs: Toutes les personnes de sexe masculin qui remplissent les conditions suivantes:—

(*a.*) Être majeur de 25 ans.

(*b.*) Ne pas appartenir au personnel relevant des représentants du Sultan ou des Puissances à Tanger.

(*c.*) Résider depuis au moins un an à Tanger.

(*d.*) Être propriétaire locataire ou occupant d'un immeuble porté au rôle de la taxe urbaine à Tanger pour une valeur locative mensuelle de pesetas hassanis.

(*e.*) Ne pas avoir encouru une peine entraînant, suivant la loi nationale de l'intéressé, la perte ou l'altération des droits civiques.

M. Padilla expose qu'il aurait préféré ne pas voir limiter le nombre des sièges à attribuer aux nationalités. Il propose de n'admettre la limitation que pour les Marocains: par exemple, sur les douze sièges réservés à l'élection, trois seraient réservés aux Marocains; les autres sièges seraient attribués globalement, sans limitation aux nationalités étrangères. M. Padilla subsidiairement propose de porter à cinq le chiffre des sièges à attribuer à chaque nationalité (membres élus et membres désignés), la nationalité marocaine n'ayant droit qu'à quatre sièges.

Mr. White expose que son Gouvernement veut une municipalité internationale avec équilibre des nationalités. Il eût désiré qu'il n'eût plus de trois membres attribués au total à chaque nationalité (deux élus et un désigné). Il a admis de relever à quatre membres et est obligé de s'en tenir là.

M. Guiot expose que son Gouvernement eût désiré qu'en raison de leur nombre, les Marocains eussent un nombre de sièges plus élevé. Il a consenti à admettre que les Marocains fussent traités sur le même pied que les étrangers il n'admet pas qu'ils fussent traités moins favorablement.

Mr. White.—Sur la question du cens électoral: Les idées du Gouvernement anglais sont favorables à un cens aussi haut que possible afin d'avoir une qualité plus relevée. Il propose, à titre d'indication, le chiffre de loyer de 120 pesetas hassanis.

M. Guiot.—Le Gouvernement français partage les idées du Gouvernement anglais sur la nécessité d'avoir un corps électoral de qualité relevée. On avait pensé à Paris à 120 pesetas hassanis, mais M. Guiot est arrêté par une question de fait. La Russie, sur cette base de 120 pesetas hassanis, n'aurait pas, semble-t-il, de ressortissant éligible; elle serait la seule Puissance qui ne pourrait désigner un membre pour la représenter à la municipalité.

M. Padilla.—Les préférences du Gouvernement espagnol sont pour un cens bas. Il proposera ultérieurement un chiffre déterminé.

Septième Séance, le 25 juin, 1912.

Mr. White.—Lit le projet de rédaction ci-après:—

"1. Le conseil municipal a, par délégation du Sultan, et sauf les exceptions ci-après, les pouvoirs législatifs et administratifs les plus étendus dans la zone internationale.

"2. La municipalité n'a pas le pouvoir de négocier et de conclure des traités avec les Puissances étrangères; elle est tenue de respecter les traités passés entre le Sultan et les Puissances. En cas de désaccord entre les stipulations des traités et les réglementations municipales, les stipulations des traités prévaudront.

"3. Les clauses des traités qui établissent l'égalité de toutes les Puissances en matière économique, continueront, même après abrogation éventuelle des traités, à s'imposer à l'administration municipale.

"4. Les traités qui seraient conclus dans l'avenir par le Gouvernement marocain ne s'appliqueraient au territoire municipal qu'avec l'agrément de la municipalité.

"5. La municipalité n'aura le droit ni d'élever ni de laisser élever des fortifications ni travaux militaires d'espèce quelconque, ni de se constituer des forces militaires ou navales, à l'exception de la police nécessaire pour son territoire.

"6. La municipalité n'a pas pouvoir de délibérer sur les questions intéressant les cultes en général, le statut personnel des indigènes, musulmans ou Israélites, notamment en ce qui concerne la filiation, les mariages, la tutelle, les successions, &c.

"7. La municipalité ne peut, sans entente préalable avec les autorités des deux zones, réglementer les questions concernant—

"(*a.*) Le tarif douanier et toutes autres matières douanières, telles que le cabotage, dans lesquelles la généralité des ports marocains serait intéressée.
"(*b.*) Le régime foncier.
"(*c.*) La monnaie.
"(*d.*) Les postes et télégraphes.

"8. La municipalité ne peut, de sa propre initiative, ouvrir des délibérations sur des questions impliquant une entente du Gouvernement marocain avec les Puissances."

Les paragraphes 1, 2, 3, 4 et 5 sont adoptés.

M. Padilla.—Propose la rédaction suivante pour le paragraphe 6, qui est ainsi adopté :—

"La municipalité garantira le libre exercice de tous les cultes. Elle respectera le statut personnel des indigènes, musulmans ou Israélites, tel qu'il est établi par leur loi religieuse, notamment en matière de filiation, mariage, divorce, tutelle, succession."

Le paragraphe 7 est adopté sauf l'alinéa (*b*), qui est réservée.
Le paragraphe 8 est adopté.

Le projet de rédaction ci-après est adopté :—

"Les juridictions actuelles subsisteront jusqu'à la réalisation de la réforme judiciaire prévue par l'accord du 4 novembre, 1911, article 9. Un tribunal composé de juges consulaires jugera les procès intentés à la municipalité, avec appel devant la Cour fédérale de Lausanne."

M. Guiot lit le projet de rédaction ci-après :—

"La création à Tanger d'une zone municipale internationale ne peut pas porter atteinte aux droits, prérogatives et privilèges antérieurement concédés à des tiers, pour tout le territoire de l'Empire par le Gouvernement marocain."

En conséquence, les porteurs des emprunts 1904 et 1910, le Trésor français, créancier d'une annuité de 2,740,000 fr., l'Administration du Contrôle de la Dette marocaine, qui représente les créanciers précités, la Banque d'État du Maroc, la Régie coïntéressée des Tabacs, continueront de jouir, dans la zone internationale, de tous les droits qu'ils tiennent de contrats qui les régissent, sans diminution ni réserve, et sans que les délimitations zonières puissent faire obstacle à leur action, notamment en ce qui concerne la surveillance et la répression de la contrebande.

Le règlement municipal de Tangier devra reconnaître expressément les situations et la municipalité facilitera aux divers créanciers ou établissements ci-dessus visés le libre et complet exercice de leurs droits.

Les institutions précitées pourront, d'accord avec le Gouvernement chérifien et la municipalité de Tanger, modifier les conditions de leur fontionnement en vue de les mettre en harmonie avec l'organisation territoriale de la zone.

La discussion de cette rédaction est renvoyée à une prochaine séance.

La commission étudie le projet de rédaction ci-après :—

"1. Une Commission de Contrôl composée des représentants du Sultan et des Puissances, exerce un haut contrôle sur le fonctionnement de la municipalité.

"2. Le Conseil municipal soumet dans de délai de jours ses délibérations à l'approbation de la Commission du Contrôle. Ces délibérations seront exécutoires *de plano* dans un délai de jours à compter de cette communication si la Commission du Contrôle n'a pas fait connaître son opposition. Des délais spéciaux seront prévus pour le cas d'urgence.

"3. Ne sont exécutoires qu'après approbation expresse de la Commission de Contrôle les délibérations portant sur les matières ci-après :—

"(*a.*) Contrats engageant les finances de la municipalité au delà d'une durée de années ou d'une somme de .
"(*b.*) Règlements sanitaires maritimes.
"(*c.*) Modifications aux règlements, relatifs aux adjudications.
"(*d.*) Délégations de pouvoirs municipaux à des tiers.
"(*e.*) Aliénation du domaine municipale.

"4. Les décisions de la Commission de Contrôle sont prises à la majorité des voix."

M. White lit le projet de rédaction ci-après :—

"Les questions de travaux publics continueront d'être régies par les stipulations de l'Acte d'Algéciras et par les dispositions des règlements généraux sur l'adjudication établis en conformité de l'article 110 de cet Acte. Dans la zone municipale la Commission des Adjudications et Marchés et le Comité spécial des Travaux publics seront remplacés par un comité que désignera le Conseil municipal.

Huitième Séance, le 27 juin, 1912.

M. Guiot prie la commission de considérer qu'il réserve son approbation sur l'ensemble de l'article relatif aux pouvoirs de la municipalité jusqu'à réception des instructions qu'il attend.

Mr. White fait d'ailleurs constater que toutes les décisions de la commission sont, bien entendu, prises *ad referendum.*

M. Padilla et *M. Guiot* sont d'accord.

M. Padilla expose ses idées sur la composition de la Commission de Contrôle. A son sentiment, le Gouvernement espagnol n'avait pas pensé que la Commission de Contrôle compterait parmi ses membres un représentant du Sultan. Il lui semble que c'était là l'idée du Gouvernement français telle qu'elle résulte de la rédaction de l'article 6 du projet de règlement communiqué par lui au Gouvernement espagnol, car s'il y avait dans cette commission un représentant du Sultan le Gouvernement français se trouverait disposé en fait de deux voix, vu les relations qui s'établiront par suite du protectorat entre la France et le Sultan.

M. Guoit.—Si la thèse de M. Padilla était admis, il n'y aurait qu'une Puissance exclue de la Commission de Contrôle, ce serait le Gouvernement marocain, celui sur le territoire duquel va vivre la municipalité, celui aussi qui aura dans la zone internationale le plus grand nombre de ressortissants. C'est là, à son sens, une exacte interprétation des idées françaises auxquelles se référait M. Padilla.

Mr. White se réfère au mémorandum de son Gouvernement du 15 mars, article 6, au projet du Gouvernement français du mois de mars, article 6, et au mémorandum du Gouvernement britannique du 2 mai, article 6. Comme dans tous ces documents il n'est question que des représentants des Puissances dans la Commission de Contrôle, il croit de son devoir de consulter son Gouvernement avant d'exprimer une opinion définitive à ce sujet.

M. Guiot en référera également à Paris. Il croit cépendant appeler l'attention de la commission sur le passage du mémorandum anglais du 2 mai où il est dit "qu'il serait plus prudent, au moins dans les débuts, de retenir un pouvoir général de contrôle aux mains des représentants des Puissances signataires à Tanger." Peut-on dénier au Maroc la qualité de Puissance signataire ?

La rédaction relative aux travaux publics proposée à la dernière séance est adoptée.

La commission a abordé l'examen de la question suivante : "Mode d'organisation de la municipalité." En raison du caractère politique de cette question, les commissaires ont décidé d'en référer à leurs Gouvernements.

Neuvième Séance, le 10 juillet, 1912.

M. Guiot propose la formule suivante :—

"Sa Majesté le Sultan délègue dans les conditions ci-après à la municipalité internationale l'administration du territoire défini à l'article .

"Dans la zone internationale le Sultan exercera, par l'intermédiaire d'un représentant, aussi bien au regard de ses nationaux qu'au regard de la municipalité, les droits et pouvoirs qu'exercent ou exerceront les représentants des Puissances."

M. Padilla pense que le Sultan pourrait exercer ces pouvoirs en ce qui concerne ses sujets résidant en zone internationale, sans recourrir à l'intermédiaire d'un représentant, puisqu'en ce qui concerne ses relations avec la municipalité le Sultan pourrait nommer lui-même le conseiller désigné, et que pour les relations avec les autres Puissances le soin de ses intérêts sera confié à la France, par suite du protectorat entre la France et le Maroc.

M. Guiot.—Mes instructions sont très précises. Il eût été, à notre avis, rationnel que le Sultan conservât des droits spéciaux sur la zone internationale, qui en définitive est une portion du territoire marocain. L'institution du protectorat français paraît faire craindre que, sous le couvert du Sultan, la France exerce sur la municipalité une action prépondérante, et, pour marquer notre loyauté, nous renonçons à demander des droits spéciaux au profit du Sultan. Mais nous ne pouvons admettre que le Sultan et ses sujets soient, en zone internationale, dans une situation d'infériorité. Il est à nos yeux indispensable que le Sultan ait, au regard de la municipalité et au regard de ses sujets en zone internationale, les mêmes moyens de les exercer. En réclamant l'égalité nous avons conscience de n'entraver en aucune manière le fonctionnement de la municipalité et de ne léser aucun intérêt étranger.

Mr. White.—L'idée de mon Gouvernement est que dans la zone internationale la réunion des représentants des Puissances doit exercer des pouvoirs identiques à ceux que la France dans sa zone, l'Espagne dans la sienne, exerceront au nom du Sultan, mais nous avons toujours pensé que le Sultan aurait, de même que les autres Puissances signataires, un représentant dans la zone internationale.

M. Padilla en référera à son Gouvernement.

Pouvoirs du Conseil municipal.

Mr. White, sur le paragraphe 7 (*b*), "Régime foncier," demande la suppression de cette exception.

M. Guiot admet cette suppression, et donne son adhésion à l'ensemble de l'article.

M. Padilla accepte également cette suppression, et confirme son adhésion.

L'article est adopté avec cette suppression.

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Franco-Spanish Agreement relative to Morocco.—(Communicated by French and Spanish Ambassadors, November 18, 1912.)

ARTICLE 1er.

LE Gouvernement de la République française reconnaît que, dans la zone d'influence espagnole, il appartient à l'Espagne de veiller à la tranquillité de ladite zone et de prêter son assistance au Gouvernement marocain pour l'introduction de toutes les réformes administratives, économiques, financières, judiciaires et militaires dont il a besoin, comme aussi pour tous les règlements nouveaux et les modifications aux règlements existants que ces réformes comportent, conformément à la déclaration franco-anglaise du 8 avril, 1904, et à l'accord franco-allemand du 4 novembre, 1911.

Les régions comprises dans la zone d'influence déterminée à l'article 2 resteront placées sous l'autorité civile et religieuse du Sultan, suivant les conditions du présent accord.

Ces régions seront administrees, sous le contrôle d'un Haut Commissaire espagnol, par un khalifa choisi par le Sultan sur une liste de deux candidats présentés par le Gouvernement espagnol. Les fonctions du khalifa ne seront maintenues ou retirées au titulaire qu'avec le consentement du Gouvernement espagnol.

Le khalifa résidera dans la zone d'influence espagnole et habituellement à Tétouan ; il sera pourvu d'une délégation générale du Sultan, en vertu de laquelle il exercera les droits appartenant à celui-ci.

Cette délégation aura un caractère permanent. En cas de vacance, les fonctions de khalifa seront, provisoirement, et d'office, remplies par le Pacha de Tétouan.

Les actes de l'autorité marocaine dans la zone d'influence espagnole seront contrôlés par le Haut Commissaire espagnol et ses agents. Le Haut Commissaire sera le seul intermédiaire dans les rapports que le khalifa, en qualité de délégué de l'autorité Impériale dans la zone espagnole, aura à entretenir avec les agents officiels étrangers, étant donné d'ailleurs qu'il ne sera pas dérogé à l'article 5 du traité franco-chérifien du 30 mars, 1912.

Le Gouvernement de Sa Majesté le Roi d'Espagne veillera à l'observation des traités et spécialement des clauses économiques et commerciales insérées dans l'accord franco-allemand du 4 novembre, 1911.

Aucune responsabilité ne pourra être imputée au Gouvernement chérifien du chef de réclamations motivées par des faits qui se seraient produits sous l'administration du khalifa dans la zone d'influence espagnole.

ARTICLE 2.

Au nord du Maroc la frontière séparative des zones d'influence française et espagnole partira de l'embouchure de la Moulouya et remontera le thalweg de ce fleuve jusqu'à 1 kilom. en aval de Mechra Klila. De ce point la ligne de démarcation suivra jusqu'au Djebel Beni Hassen le tracé fixé par l'article 2 de la convention du 3 octobre, 1904.

Dans le cas où la commission mixte de délimitation visée au paragraphe 1er de l'article 4 ci-dessous constaterait que le marabout de Sidi Maarouf se trouve dépendre de la fraction sud des Beni Bouyahi, ce point serait attribué à la zone française. Toutefois la ligne de démarcation des deux zones, après avoir englobé ledit marabout, n'en passerait pas à plus de 1 kilom. au nord et à plus de 2 kilom. à l'ouest, pour rejoindre la ligne de démarcation telle qu'elle est déterminée au paragraphe précédent.

Du Djebel Beni Hassen la frontière rejoindra l'Oued Ouergha au nord de la Djemaa des Cheurfa Tafraout, en amont du coude formé par la rivière. De là, se dirigeant vers l'ouest, elle suivra la ligne des hauteurs dominant la rive droite de l'Oued Ouergha jusqu'à son intersection avec la ligne nord-sud définie par l'article 2 de la convention de 1904. Dans ce parcours la frontière contournera le plus étroitement possible la limite nord des tribus riveraines de l'Ouergha et la limite sud de celles qui ne sont pas riveraines, en assurant une communication militaire non interrompue entre les différentes régions de la zone espagnole.

Elle remontera ensuite vers le nord en se tenant à une distance d'au moins 25 kilom. à l'est de la route de Fez à El Kasr-el-Kebir par Ouezzan, jusqu'à la rencontre de l'Oued Loukkos, dont elle descendra le thalweg jusqu'à la limite entre les tribus Sarsar et Tlig. De ce point, elle contournera le Djebel Ghani, laissant cette montagne dans la zone espagnole, sous réserve qu'il n'y sera pas construit de fortifications permanentes. Enfin, la frontière rejoindra le parallèle 35° de latitude nord entre le douar Mgaria et la Marya de Sidi Slama et suivra ce parallèle jusqu'à la mer.

Au sud du Maroc, la frontière des zones française et espagnole sera définie par le thalweg de l'Oued Draa, qu'elle remontera depuis la mer jusqu'à sa rencontre avec le méridien 11° ouest de Paris ; elle suivra ce méridien vers le sud jusqu'à sa rencontre avec le parallèle 27° 40′ de latitude nord. Au sud de ce parallèle, les articles 5 et 6 de la convention du 3 octobre, 1904, resteront applicables. Les régions marocaines situées au nord et à l'est de la délimitation visée dans le présent paragraphe appartiendront à la zone française.

ARTICLE 3.

Le Gouvernement marocain ayant, par l'article 8 du traité du 26 avril, 1860, concédé à l'Espagne un établissement à Santa Cruz de Mar Pequeña (Ifni), il est entendu que le territoire de cet établissement aura les limites suivantes: au nord, l'Oued Bou Sedra, depuis son embouchure ; au sud, l'Oued Noun, depuis son embouchure ; à l'est, une ligne distante approximativement de 25 kilom. de la côte.

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ARTICLE 4.

Une commission technique, dont les membres seront désignés en nombre égal par les Gouvernements français et espagnol, fixera le tracé exact des délimitations spécifiées aux articles précédents. Dans son travail, la commission pourra tenir compte non seulement des accidents topographiques, mais encore des contingences locales.

Les procès-verbaux de la commission n'auront valeur exécutive qu'après ratification des deux Gouvernements.

Toutefois, les travaux de la commission ci-dessus prévue ne seront pas un obstacle à la prise de possession immédiate par l'Espagne de son établissement d'Ifni.

ARTICLE 5.

L'Espagne s'engage à n'aliéner ni céder sous aucune forme, même à titre temporaire, ses droits dans tout ou partie du territoire composant sa zone d'influence.

ARTICLE 6.

Afin d'assurer le libre passage du détroit de Gibraltar, les deux Gouvernements conviennent de ne pas laisser élever de fortifications ou d'ouvrages stratégiques quelconques sur la partie de la côte marocaine visée par l'article 7 de la déclaration franco-anglaise du 8 avril, 1904, et par l'article 14 de la convention franco-espagnole du 3 octobre de la même année, et comprise dans les sphères d'influence respectives.

ARTICLE 7.

La ville de Tanger et sa banlieue seront dotées d'un régime spécial qui sera déterminé ultérieurement; elles formeront une zone comprise dans les limites décrites ci-après:

Partant de Punta Altares sur la côte sud du détroit de Gibraltar, la frontière se dirigera en ligne droite sur la crête du Djebel Beni Meyimel, laissant à l'ouest le village appelé Dxar-es-Zeitun, et suivra ensuite la ligne des limites entre le Fahs d'un côté et les tribus de l'Anghera et de l'Oued Ras de l'autre côté jusqu'à la rencontre de l'Oued-es-Zeghir. De là, la frontière suivra le thalweg de l'Oued-es-Zeghir puis ceux des Oueds M'harhar et Tzahadartz jusqu'à la mer.

Le tout conformément au tracé indiqué sur la carte de l'état-major espagnol, qui a pour titre "Croquis del Imperio de Marruecos" à l'échelle de $\frac{1}{100000}$, édition de 1906.

ARTICLE 8.

Les consulats, les écoles et tous les établissements français et espagnols actuellement existants au Maroc seront maintenus.

Les deux Gouvernements s'engagent à faire respecter la liberté et la pratique extérieure de tout culte existant au Maroc.

Le Gouvernement de Sa Majesté le Roi d'Espagne, en ce qui le concerne, fera en sorte que les privilèges religieux exercés actuellement par le clergé régulier et séculier espagnol ne subsistent plus dans la zone française. Toutefois, dans cette zone, les missions esqagnoles conserveront leurs établissements et propriétés actuels, mais le Gouvernement de Sa Majesté le Roi d'Espagne ne s'opposera pas à ce que des religieux de nationalité française y soient affectés. Les nouveaux établissements que ces missions fonderaient seront confiés à des religieux français.

ARTICLE 9.

Aussi longtemps que le chemin de fer Tanger–Fez ne sera pas construit, il ne sera apporté aucune entrave au passage des convois de ravitaillement destinées au Makhzen, ni aux voyages des fonctionnaires chérifiens ou étrangers entre Fez et Tanger et inversement, non plus qu'au passage de leur escorte, de leurs armes et bagages, étant entendu que les autorités de la zone traversée auront été préalablement avisées. Aucune taxe ou aucun droit spécial de transit ne pourra être perçu pour ce passage.

Après la construction du chemin de fer Tanger–Fez, celui-ci pourra être utilisé pour ces transports.

ARTICLE 10.

Les impôts et ressources de toute sorte dans la zone espagnole seront affectés aux dépenses de ladite zone.

ARTICLE 11.

Le Gouvernement chérifien ne pourra être appelé à participer à aucun titre aux dépenses de la zone espagnole.

ARTICLE 12.

Le Gouvernement de Sa Majesté le Roi d'Espagne ne portera pas atteinte aux droits, prérogatives et privilèges des porteurs de titres des emprunts 1904 et 1910 dans sa zone d'influence.

En vue de mettre l'exercice de ces droits en harmonie avec la nouvelle situation, le Gouvernement de la république usera de son influence sur le représentant des porteurs pour que le fonctionnement des garanties dans ladite zone s'accorde avec les dispositions suivantes:—

La zone d'influence espagnole contribuera aux charges des emprunts 1904 et 1910 suivant la proportion que les ports de ladite zone, déduction faite des 500,000 pesetas hassani dont il sera parlé plus loin, fournissent à l'ensemble des recettes douanières des ports ouverts au commerce.

Cette contribution est fixée provisoirement à 7·95 pour cent, chiffre basé sur les résultats de l'année 1911. Elle sera revisable tous les ans à la demande de l'une ou de l'autre des parties.

Si la revision ainsi opérée donne lieu à une réduction des recettes françaises relatives aux produits douaniers des ports de la Méditerranée, elle entraînera *ipso facto* le relèvement de la contribution espagnole aux charges des emprunts susmentionnés.

La revision prévue devra intervenir avant le 15 mai suivant, l'exercice qui lui servira de base. Il sera tenu compte de ses résultats dans le versement à effectuer par le Gouvernement espagnol le 1er juin, ainsi qu'il est dit ci-après.

Le Gouvernement de Sa Majesté le Roi d'Espagne constituera chaque année, à la date du 1er mars pour le service de l'emprunt 1910 et, à la date du 1er juin, pour le service de l'emprunt 1904, entre les mains du représentant des porteurs des titres de ces deux emprunts, le montant des annuités fixées au paragraphe précédent. En conséquence, l'encaissement au titre des emprunts sera suspendu dans la zone espagnole par application des articles 20 du contrat du 12 juin, 1904, et 19 du contrat du 17 mai, 1910.

Le contrôle des porteurs et les droits s'y rapportant, dont l'exercice aura été suspendu en raison des versements du Gouvernement espagnol, seront rétablis tels qu'ils existent actuellement dans le cas où le représentant des porteurs aurait à reprendre l'encaissement direct conformément aux contrats.

ARTICLE 13.

D'autre part il y a lieu, d'assurer à la zone française et à la zone espagnole le produit revenant à chacune d'elles sur les droits de douane perçus à l'importation.

Les deux Gouvernements conviennent:

1. Que, balance faite des recettes douanières que chacune des deux administrations zonières encaissera sur les produits introduits par ses douanes à destination de l'autre zone, il reviendra à la zone française une somme totale de 500,000 pesetas hassani se décomposant ainsi:

(*a.*) Une somme forfaitaire de 300,000 pesetas hassani applicable aux recettes des ports de l'ouest.

(*b.*) Une somme de 200,000 pesetas hassani, applicable aux recettes de la côte méditerranéenne, sujette à revision lorsque le fonctionnement des chemins de fer fournira des éléments exacts de calcul. Cette revision éventuelle pourrait s'appliquer aux versements antérieurement effectués, si le montant de ceux-ci était supérieur à celui des versements à réaliser dans l'avenir; toutefois, les reversements dont il s'agit ne porteraient que sur le capital et ne donneraient pas lieu à un calcul d'intérêts.

2. Que les recettes douanières encaissées par le bureau de Tanger devront être réparties entre la zone internationalisée et les deux autres zones, au prorata de la

destination finale des marchandises. En attendant que le fonctionnement des chemins de fer permette une exacte répartition des sommes dues à la zone française et à la zone espagnole, le service des douanes versera en dépôt à la Banque d'État l'excédent de ces recettes, paiement fait de la part de Tanger.

Les administrations douanières des deux zones s'entendront par l'entremise de représentants, qui se réuniront périodiquement à Tanger, sur les mesures propres à assurer l'unité d'application des tarifs. Ces délégués se communiqueront à toutes fins utiles les informations qu'ils auront pu recueillir tant sur la contrebande que sur les opérations irrégulières éventuellement effectuées dans les bureaux des douanes.

Les deux Gouvernements s'efforceront de mettre en vigueur à la date du 1er mars, 1913, les mesures visées sous le présent article.

ARTICLE 14.

Les gages affectés en zone espagnole à la créance française, en vertu de l'accord franco-marocain du 21 mars, 1910, seront transférés au profit de la créance espagnole et réciproquement les gages affectés en zone française à la créance espagnole, en vertu du traité hispano-marocain du 16 novembre, 1910, seront transférés au profit de la créance française. En vue de réserver à chaque zone le produit des redevances minières qui doivent naturellement lui revenir, il est entendu que les redevances proportionnelles d'extraction appartiendront à la zone où la mine est située lors même qu'elles seraient recouvrées à la sortie par une douane de l'autre zone.

ARTICLE 15.

En ce qui concerne les avances faites par la Banque d'État sur le 5 pour cent des douanes, il a paru équitable de faire supporter par les deux zones non seulement le remboursement desdites avances mais d'une manière générale les charges de la liquidation du passif actuel du Makhzen.

Dans le cas où cette liquidation se ferait au moyen d'un emprunt à court ou à long terme, chacune des deux zones contribuerait au paiement des annuités de cet emprunt (intérêts et amortissement) dans une proportion égale à celle qui a été fixée pour la répartition entre chaque zone des charges des emprunts 1904 et 1910.

Le taux de l'intérêt, les délais d'amortissement et de conversion, les conditions de l'émission et, s'il y a lieu, les garanties de l'emprunt seront arrêtés après entente les deux Gouvernements.

Les dettes contractées après la signature du présent accord seront exclues de cette liquidation.

Le montant total de passif à liquider comprend notamment :—

1. Les avances de la Banque d'État gagées sur le 5 pour cent du produit des douanes ;
2. Les dettes liquidées par la commission instituée en vertu du règlement du corps diplomatique de Tanger en date du 29 mai, 1910.

Les deux Gouvernements se réservent d'examiner conjointement les créances autres que celles visées ci-dessus sous les numéros 1 et 2, de vérifier leur légitimité, et, au cas où le total du passif dépasserait sensiblement la somme de 25,000,000 de francs, de les comprendre ou non dans la liquidation envisagée.

ARTICLE 16.

L'autonomie administrative des zones d'influence française et espagnole dans l'Empire chérifien ne pouvant porter atteinte aux droits, prérogatives et privilèges concédés, conformément à l'Acte d'Algésiras, à la Banque d'État du Maroc, pour tout le territoire de l'Empire, par le Gouvernement marocain, la Banque d'État du Maroc continuera de jouir dans chacune des deux zones de tous les droits qu'elle tient des actes qui la régissent, sans diminution ni réserve. L'autonomie des deux zones ne pourra pas faire obstacle à son action et les deux Gouvernements faciliteront à la Banque d'État le libre et complet exercice de ses droits.

La Banque d'État du Maroc pourra, d'accord avec les deux Puissances intéressées, modifier les conditions de son fonctionnement en vue de les mettre en harmonie avec l'organisation territoriale de chaque zone.

Les deux Gouvernements recommanderont à la Banque d'Etat l'étude d'une modification de ses statuts permettant :—

1. De créer un second Haut Commissaire marocain qui serait nommé par l'administration de la zone d'influence espagnole, après entente avec le conseil d'administration de la banque ;
2. De conférer à ce second Haut Commissaire, pour sauvegarder les intérêts légitimes de l'administration de la zone espagnole, sans porter atteinte au fonctionnement normal de la banque, des attributions autant que possible identiques à celles qu'exerce le Haut Commissaire actuel.

Toutes démarches utiles seront faites par les deux Gouvernements pour parvenir à la revision régulière, dans le sens indiqué ci-dessus, des status de la Banque d'État et du règlement de ses rapports avec le Gouvernement marocain.

Afin de préciser et de compléter l'entente intervenue entre les deux Gouvernements et constatée par la lettre adressée le 23 février, 1907, par le Ministre des Affaires Étrangères de la République à l'Ambassadeur de Sa Majesté le Roi d'Espagne à Paris, le Gouvernement français s'engage, en ce qui concerne la zone espagnole, sous réserve des droits de la banque :—

1. A n'appuyer aucune candidature auprès de la Banque d'État ;
2. A faire connaître à la banque son désir de voir prendre en considération, pour les emplois de ladite zone, les candidatures de nationalité espagnole.

Réciproquement, le Gouvernement espagnol s'engage, en ce qui concerne la zone française, sous réserve des droits de la banque :—

1. A n'appuyer aucune candidature auprès de la Banque d'État ;
2. A faire connaître à la banque son désir de voir prendre en considération, pour les emplois de ladite zone, les candidatures de nationalité française.

En ce qui concerne :—

1. Les actions de la banque qui pourraient appartenir au Makhzen ;
2. Les bénéfices revenant au Makhzen sur les opérations de frappe et de refonte de monnaies, ainsi que sur toutes les autres opérations monétaires (article 37 de l'Acte d'Algésiras),

il est entendu qu'il sera attribué à l'administration de la zone espagnole une part calculée d'après le même pourcentage que pour la redevance et les bénéfices du monopole des tabacs.

ARTICLE 17.

L'autonomie administrative des zones d'influence française et espagnole dans l'Empire chérifien ne pouvant porter atteinte aux droits, prérogatives et privilèges concédés, conformément à l'Acte général d'Algésiras, pour tout le territoire de l'Empire, par le Gouvernement marocain, à la Société internationale de Régie coïntéressée des Tabacs au Maroc, ladite société continuera de jouir, dans chacune des deux zones, de tous les droits qu'elle tient des actes qui la régissent, sans diminution ni réserve. L'autonomie des deux zones ne pourra pas faire obstacle à son action et les deux Gouvernements lui faciliteront le libre et complet exercice de ses droits.

Les conditions actuelles de l'exploitation du monopole, et en particulier le tarif des prix de vente, ne pourront être modifiés que d'accord entre les deux Gouvernements.

Le Gouvernement français ne fera pas obstacle à ce que le Gouvernement Royal se concerte avec la Régie soit en vue d'obtenir de cette société la rétrocession à des tiers de l'intégralité de ses droits et privilèges, soit en vue de lui racheter à l'amiable, par anticipation, lesdits droits et privilèges. Dans le cas où, comme conséquence du rachat anticipé, le Gouvernement espangol désirerait modifier dans sa zone les conditions générales de l'exploitation du monopole, et, par exemple, s'il voulait réduire les prix de vente, un accord devra intervenir entre les deux Gouvernements dans le but exclusif de sauvegarder les intérêts de la zone d'influence française.

Les stipulations qui précèdent s'appliqueront réciproquement dans le cas où le Gouvernement française désirerait faire usage des facultés reconnues ci-dessus au Gouvernement espagnol.

La Régie pouvant faire objection à un rachat partiel, les deux Gouvernements s'engagent dès maintenant à faire exercer dans l'une et l'autre zone, aussitôt que possible (c'est-à-dire le 1er janvier, 1933, en prévenant la Régie avant le 1er janvier,

1931), le droit de rachat prévu à l'article 24 du cahier des charges. A partir du 1er janvier, 1933, chacune des deux zones deviendra libre d'établir selon ses convenances les impôts qui font l'objet du monopole.

Les deux Gouvernements se mettront d'accord pour obtenir, en respectant le cahier des charges :—

(*a.*) La création d'un second commissaire nommé par l'administration de la zone d'influence espagnole ;

(*b.*) La définition des attributions qui seraient nécessaires à ce second commissaire pour sauvegarder les intérêts légitimes de l'administration de la zone espagnole, sans porter atteinte au fonctionnement normal de la Régie ;

(*c.*) La répartition par moitié entre les deux commissaires de la somme de 5,000 rials makhzanis argent versés annuellement par la Régie pour le traitement du commissaire.

Afin de maintenir pendant la durée du monopole l'identité du tarif des prix de vente dans les deux zones, les deux Gouvernements prennent l'engagement de ne pas assujettir la Régie ou ses ayants droit à des impôts nouveaux sans s'être préalablement entendus.

Le produit des amendes prononcées entre la Régie pour inexécution du cahier des charges ou abus (article 31 du cahier des charges) sera attribué au Trésor de la zone dans laquelle les infractions ou abus auront été commis.

Pour le partage de la redevance fixe annuelle et des bénéfices (articles 20 à 23 du cahier des charges) on appliquera (un pourcentage qui sera déterminé par la puissance de consommation de la zone espagnole, comparativement à la puissance de consommation totale de l'Empire. Cette puissance de consommation sera évaluée d'après les perceptions douanières restant effectivement entre les mains de l'administration de la zone espagnole, compte tenu du reversement prévu à l'article 13 ci-dessus.

ARTICLE 18.

En ce qui concerne le Comité des Valeurs douanières, le Comité spécial des Travaux publics et la Commission générale des Adjudications, durant la période où ces comités resteront en vigueur, il sera réservé à la désignation du khalifa de la zone espagnole un des sièges de délégué chérifien dans chacun de ces trois comités.

Les deux Gouvernements sont d'accord pour réserver à chaque zone et affecter à ses travaux publics le produit de la taxe spéciale perçue dans ses ports en vertu de l'article 66 de l'Acte d'Algésiras. Les services respectifs seront autonomes.

Sous condition de réciprocité, les délégués de l'administration de la zone française voteront avec les délégués du khalifa dans les questions intéressant la zone espagnole et notamment pour tout ce qui concerne la détermination des travaux à exécuter sur les fonds de la taxe spéciale, leur exécution et la désignation du personnel que cette exécution comporte.

ARTICLE 19.

Le Gouvernement de la République française et le Gouvernement de Sa Majesté Catholique se concerteront en vue de :—

1. Toutes les modifications qui devraient être apportées dans l'avenir aux droits de douane ;
2. L'unification des tarifs postaux et télégraphiques dans l'intérieur de l'Empire.

ARTICLE 20.

La ligne de chemin de fer Tanger–Fez sera construite et exploitée dans les conditions déterminées par le protocole annexé à la présente convention.

ARTICLE 21.

Le Gouvernement de la République française et le Gouvernement de Sa Majesté Catholique s'engagent à provoquer la revision, d'accord avec les autres Puissances et sur la base de la Convention de Madrid, des listes et de la situation des protégés étrangers et des associés agricoles visés par les articles 8 et 16 de cette convention.

Ils conviennent également de poursuivre auprès des Puissances signataires toutes

modifications de la Convention de Madrid que comporteraient, le moment venu, le changement du régime des protégés et associés agricoles, et éventuellement l'abrogation de la partie de ladite convention concernant les protégés et associés agricoles.

ARTICLE 22.

Les sujets marocains originaires de la zone d'influence espagnole seront placés à l'étranger sous la protection des agents diplomatiques et consulaires de l'Espagne.

ARTICLE 23.

Pour éviter autant que possible les réclamations diplomatiques, les Gouvernements français et espagnol s'emploieront respectivement auprès du Sultan et de son khalifa pour que les plaintes portées par des ressortissants étrangers contre les autorités marocaines ou les personnes agissant en tant qu'autorités marocaines, et qui n'auraient pu être réglés par l'entremise du consul français ou espagnol et du consul du Gouvernement intéressé, soient déférées à un arbitre *ad hoc* pour chaque affaire, désigné d'un commun accord par le consul de France ou celui d'Espagne et par celui de la Puissance intéressée ou, à leur défaut, par les deux Gouvernements de ces consuls.

ARTICLE 24.

Le Gouvernement de la République française et le Gouvernement de Sa Majesté Catholique se réservent la faculté de procéder à l'établissement, dans leurs zones respectives, d'organisations judiciaires inspirées de leurs législations.

Une fois ces organisations établies et les nationaux et protégés de chaque pays soumis, dans la zone de celui-ci, à la juridiction de ces tribunaux, le Gouvernement de la République française, dans la zone d'influence espagnole, et le Gouvernement de Sa Majesté le Roi d'Espagne, dans la zone d'influence française, soumettront également à cette juridiction locale leurs nationaux et protégés respectifs.

Tant que le paragraphe 3 de l'article 11 de la Convention de Madrid du 3 juin, 1880, sera en vigueur, la faculté qui appartient au Ministre des Affaires Étrangères de Sa Majesté chérifienne de connaître en appel des questions de propriété immobilière des étrangers, fera partie, pour ce qui concerne la zone espagnole, de l'ensemble des pouvoirs délégués au khalifa.

ARTICLE 25.

Les Puissances signataires s'engagent à prêter, dès maintenant, dans leurs possessions d'Afrique, leur entier concours aux autorités marocaines pour la surveillance et la répression de la contrebande des armes et des munitions de guerre.

La surveillance dans les eaux territoriales des zones respectives française et espagnole sera exercée par les forces organisées par l'autorité locale ou celles du Gouvernement protecteur de ladite zone.

Les deux Gouvernements se concerteront pour unifier la réglementation du droit de visite.

ARTICLE 26.

Les accords internationaux conclus à l'avenir par Sa Majesté chérifienne ne s'étendront à la zone d'influence espagnole qu'avec le consentement préalable du Gouvernement de Sa Majesté le Roi d'Espagne.

ARTICLE 27.

La convention du 26 février, 1904, renouvelée le 3 février, 1909, ainsi qui la Convention générale de La Haye du 18 octobre, 1907, s'appliqueront aux différends qui viendraient à s'élever entre les parties contractantes au sujet de l'interprétation et de l'application des dispositions de la présente convention et qui n'auraient pas été réglés par la voie diplomatique ; un compromis devra être dressé et il sera procédé suivant les règles des mêmes conventions en tant qu'il n'y serait pas dérogé par un accord exprès au moment du litige.

ARTICLE 28.

Toutes clauses des traités, conventions et accords antérieurs qui seraient contraires aux stipulations qui précèdent sont abrogées.

ARTICLE 29.

La présente convention sera notifiée aux Gouvernements signataires de l'Acte général de la Conférence internationale d'Algésiras.

Protocole concernant le Chemin de Fer Tanger-Fez.

ARTICLE 1er.

DANS un délai de trois mois à compter de la signature de la présente convention —restant d'ailleurs entendu que c'est seulement après la ratification de celle-ci qu'il sera procédé à la concession définie par les articles 2 et suivants—les deux Gouvernements de France et d'Espagne détermineront, dans leurs zones respectives, le tracé général de la ligne et ses stations principales. Ils arrêteront d'un commun accord, dans ce même délai, d'une part le point où ladite ligne devra traverser les limites nord et sud de la zone espagnole, de l'autre, après consultation des autorités tangéroises qualifiées à cet effet, le tracé de la section comprise entre la limite nord de la zone espagnole et Tanger.

ARTICLE 2.

La ligne tout entière sera concédée à une compagnie unique, chargée à la fois de ses études définitives, de sa construction et de son exploitation.

La concession sera prononcée, savoir :

Pour la section située dans la zone française, par le Sultan, sous l'autorité et avec la garantie de la France ;

Pour la section située dans la zone espagnole, par le khalifa, sous l'autorité et avec la garantie de l'Espagne ;

Et enfin, pour la section comprise entre la limite nord de la zone espagnole et Tanger, par les autorités qualifiées à cet effet et sous la garantie de ces autorités.

Toutefois, dans le cas où les susdites autorités ne seraient pas définitivement constituées au moment où pourront être prononcées les concessions française et espagnole, les deux Gouvernements contractants conviennent que la concession du tronçon Tanger et banlieue sera prononcée, sous leur garantie commune et après entente entre les deux Cabinets, par le Sultan pour être repassée ensuite avec les droits et obligations qu'elle comporte à l'autorité tangéroise.

ARTICLE 3.

La susdite compagnie ne pourra être concessionnaire d'aucune autre ligne, soit complètement indépendante de la précédente, soit se reliant à celle-ci, exception étant faite, toutefois, pour les voies de quai destinées à desservir le port de Tanger.

Par contre, elle ne pourra se refuser à laisser pénétrer dans ses gares les lignes dont l'établissement viendrait à être décidé par l'un ou l'autre des deux Gouvernements, ni à assurer dans lesdites gares le service commun, que ces lignes soient construites et exploitées directement par les deux Gouvernements ou concédées par eux à d'autres compagnies.

Elle aura les mêmes obligations en ce qui concerne les embranchements particuliers autorisés par la France ou par l'Espagne au profit, soit de leurs nationaux, soit de nationaux étrangers en conformité de l'article 7 du Traité franco-allemand du 4 novembre, 1911.

Il est entendu, d'ailleurs, que resteront à la charge des États, compagnies ou particuliers intéressés, les dépenses des installations nouvelles ainsi rendues nécessaires de leur fait et les frais supplémentaires d'exploitation auxquels les lignes et embranchements susvisés donneront lieu.

ARTICLE 4.

Le capital, tant actions qu'obligations de la compagnie concessionnaire, sera pour 60 pour cent français et 40 pour cent espagnol.

Toutefois, la France et l'Espagne se réservent la faculté de faire d'un commun accord, s'il y avait lieu, une part aux capitaux de nationalité étrangère, étant d'ores et déjà spécifié que cette part ne pourra, en aucun cas, excéder 8 pour cent et qu'elle sera

prélevée par moitié sur chacune de celles de 60 pour cent et de 40 pour cent ci-dessus.

Chacun des deux Gouvernements se réserve le droit de désigner tel établissement ou société de crédit, ou tel groupe d'établissements ou sociétés de crédit de sa nationalité qu'il jugera convenable, pour réaliser et souscrire la part de capital à lui réservée.

Si l'un d'entre eux ne croyait pas devoir réaliser cette part tout entière, l'autre se substituerait à lui de plein droit pour la parfaire.

ARTICLE 5.

Le conseil d'administration de la compagnie concessionnaire sera composé de quinze membres, dont neuf français et six espagnols, nommés respectivement par les porteurs d'actions françaises et espagnoles.

A ces quinze membres pourra, si la France et l'Espagne le jugent utile d'un commun accord, en être adjoint un seizième d'une tierce nationalité.

Les décisions du conseil d'administration ne pourront être prises qu'à une majorité représentant au moins les deux tiers des votes exprimés en ce qui concerne les questions intéressant exclusivement soit la section française, soit la section espagnole ; elles le seront à la majorité simple pour toutes les autres questions.

La compagnie aura un directeur général français et un directeur adjoint espagnol. Le haut personnel, tant de la construction que de l'exploitation, devra être pour 60 pour cent français et pour 40 pour cent espagnol. La nomination du directeur général et du haut personnel français sera soumise à l'agrément de la France ; celle du directeur adjoint et du haut personnel espagnol à l'agrément de l'Espagne.

En dehors du directeur général, du directeur adjoint et du haut personnel visés ci-dessus, les agents employés aux études et à la construction devront être, autant que possible, français dans la section française et espagnols dans la section espagnole.

Quant aux agents d'exploitation, ils devront être exclusivement français sur la section française, exclusivement espagnols sur la section espagnole, pour moitié français et pour moitié espagnols sur la section Tanger et banlieue. Toutefois, sur cette dernière section et notamment à la gare terminus de Tanger, un certain nombre d'emplois pourront, d'accord entre les deux Gouvernements, être confiés à des agents d'une tierce nationalité, la répartition par moitié entre la France et l'Espagne s'opérant alors sur les emplois restant.

ARTICLE 6.

Les études de la ligne—préalablement divisée en lots d'une longueur de 20 à 30 kilom.—seront entreprises simultanément par l'extrémité Tanger et l'extrémité Fez et poussées avec une activité égale des deux côtés.

Les projets des divers lots seront présentés par la compagnie au fur et à mesure de leur achèvement ; l'acte de concession fixera les dates de ces présentations successives et stipulera pour chacune d'elles une prime par jour d'avance et une pénalité financière par jour de retard, ces pénalités et primes étant les mêmes pour tous les lots, exception faite du dernier, pour lequel elles seront doublées.

ARTICLE 7.

Les projets seront approuvés :

Pour la section française, par le Gouvernement français ;

Pour la section espagnole, par le Gouvernement espagnol ;

Et pour la section Tanger et banlieue, par l'autorité tangéroise qualifiée à cet effet ;

Étant entendu toutefois :

Qu'au préalable, les projets de la section française seront communiqués au Gouvernement espagnol et ceux de la section espagnole au Gouvernement français, chacun de ces deux Gouvernements tenant tel compte qu'il jugera convenable des observations présentées par l'autre et l'absence de réponse, dans un délai de quinze jours à partir de la communication ainsi faite, étant tenue pour une adhésion pure et simple ;

Que les projets de la section Tanger et banlieue seront communiqués à la fois au Gouvernement français et au Gouvernement espagnol et ne pourront être approuvés

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qu'après avis conforme de ces derniers, l'absence de toute protestation dans un délai de quinze jours équivalent d'ailleurs, ici encore, à une acceptation pure et simple.

Chacun des deux Gouvernements s'engage à statuer, dans un délai maximum de deux mois à compter du jour de sa présentation, sur chaque projet à lui soumis, soit en l'approuvant, soit en y prescrivant les modifications et remaniements qu'il jugerait utiles. Il fixerait, dans ce dernier cas, la date extrême à laquelle devrait lui être présenté à nouveau le projet modifié et remanié, et statuerait au sujet de celui-ci dans un délai maximum d'un mois après cette présentation nouvelle.

Chacun des projets susvisés fera, aussitôt définitivement approuvé, l'objet d'une adjudication au rabais sur série de prix, pour laquelle devront être observées les règles que stipule l'article 6, paragraphes 1er et 2 du Traité franco-allemand du 4 novembre, 1911.

Les fournitures de matériel fixe et de matériel roulant seront, pour chacune des trois sections de la ligne, adjugées dans les mêmes formes.

Les adjudications seront poursuivies et prononcées, pour chacune des trois sections, par l'autorité dont aura émané la concession.

ARTICLE 8.

Chacune des trois sections de la ligne donnera lieu à des comptes annuels distincts en ce qui concerne, d'une part le premier établissement, d'autre part les travaux complémentaires, et enfin l'exploitation. Les règles à suivre pour la répartition des recettes et les dépenses entre les trois sections, et, dans chacune d'elles, entre les trois comptes ci-dessus seront fixées par l'acte de concession.

La vérification des susdits comptes sera opérée, pour chaque section, par les services chargés du contrôle de la construction et de l'exploitation en vertu des articles 9 et 10 ci-dessous; l'homologation n'en sera toutefois prononcée qu'après qu'ils auront été communiqués aux services des autres sections, lesquels auront un délai d'un mois pour présenter à leur sujet telles observations qu'ils jugeraient utiles.

ARTICLE 9.

Le contrôle de la construction sera exercé, la réception des ouvrages prononcée et leur mise en service autorisée:

Sur les sections française et espagnole, respectivement par les ingénieurs de l'État français et de l'État espagnol;

Sur la section Tanger et banlieue, par le service de la taxe spéciale, et, au cas où ce dernier viendrait à disparaître, par celui auquel seraient transférées ses attributions actuelles.

ARTICLE 10.

L'exploitation sera assurée sur la ligne entière en observant les règles établies par l'article 6, paragraphe 3, du Traité franco-allemand du 4 novembre, 1911.

La police en sera faite, en conformité des lois et règlements de chaque pays, par les Gouvernements français et espagnol sur leurs sections respectives, et par l'autorité qualifiée à cet effet sur la section Tanger et banlieue.

Le contrôle en sera assuré, sur chaque section, par le même service que celui de la construction, étant entendu que le contrôle tangérois devra, notamment à la gare terminus de Tanger, prescrire telles mesures qui seraient reconnues utiles à la bonne exploitation de la ligne prise dans son ensemble et veiller à leur exécution.

ARTICLE 11.

Le Gouvernement français, le Gouvernement espagnol et l'autorité tangéroise qualifiée à cet effet homologueront respectivement les tarifs intéressant exclusivement la section française, la section espagnole et la section Tanger et banlieue; les tarifs intéressant à la fois deux des sections de la ligne ou les trois sections de celle-ci devront être homologués par chacune des administrations zonières intéressées.

ARTICLE 12.

Au cas où la compagnie concessionnaire, soit pendant la période de construction, soit après l'ouverture à l'exploitation, ne satisferait pas à l'une des obligations essentielles de son contrat, elle serait mise en demeure de prendre dans un délai

déterminé, lequel ne pourra être inférieur à un mois ni supérieur à trois, telles mesures que de droit. A défaut par elle de déférer à cette mise en demeure, elle serait déclarée déchue.

La mise en demeure pourra être notifiée et la déchéance prononcée par chacun des Gouvernements français et espagnol, pour la section de ligne située sur son territoire sous réserve d'en donner avis à l'autre.

Si la déchéance était prononcée à la fois pour la section française et pour la section espagnole, elle le serait *ipso facto* et de plein droit pour la section Tanger et banlieue.

ARTICLE 13.

Chacun des deux Gouvernements français et espagnol se réserve le droit de procéder, à une date quelconque après la mise en exploitation de la ligne entière, au rachat de la section de ladite ligne située sur son territoire, le prix du rachat étant calculé sur les bases qui seront fixées par l'acte de concession.

Il devra, dans ce cas, prévenir trois mois à l'avance de ses intentions tant l'autre Gouvernement que l'autorité tangéroise, de façon que puissent être arrêtées de concert les mesures intéressant à la fois les exploitations ainsi devenues distinctes des sections rachetées et non rachetées de la ligne.

Celui des deux Gouvernements qui aura usé de son droit de rachat devra, ou exploiter lui-même en régie la section rachetée, ou n'en rétrocéder la concession qu'à une société de sa nationalité.

ARTICLE 14.

La France et l'Espagne s'engagent à faire toutes démarches utiles pour que la concession de la section Tanger et banlieue soit, ou prononcée par l'autorité tangéroise en même temps que les concessions française et espagnole si ladite autorité est à ce moment constituée; ou acceptée par cette même autorité immédiatement après sa constitution si elle avait dû être, en attendant celle-ci, prononcée par les deux Gouvernements en conformité du dernier alinéa de l'article 2.

[44412] No. 168.

Sir Edward Grey to Sir F. Bertie.

(No. 557.) *Foreign Office, November* 18, 1912.

Sir,

IT will be in your Excellency's recollection that one of the conditions which His Majesty's government attached to their adherence to the Franco-German Convention of November 1911 respecting Morocco was that adequate arrangements should be made for the internationalisation of Tangier. During the first few months of this year several memoranda and notes on the subject were exchanged between the British and French governments, and in June last I assented to a proposal of the French government that British, French, and Spanish delegates should meet at Madrid and discuss the broad principles on which the internationalisation of Tangier was to be effected. The meetings of the commission, first held at Madrid, were subsequently transferred to San Sebastian, and considerable progress was made in the settlement of the outlines of a general scheme, and in the elaboration of a number of important points of detail. His Majesty's government confidently expected that the negotiations would continue to proceed smoothly and result in a complete agreement; but a change suddenly came over the attitude of the French government, the instructions given to their delegate became such as to render further progress increasingly difficult, and finally, at the end of July, the sittings of the commission had to be suspended owing to the recall of the French delegate to France.

His Majesty's government urged upon the French government the importance of arranging for an early resumption of the negotiations at San Sebastian, but their representations remained without effect; and on the 27th August the situation was profoundly altered by the receipt of a memorandum from the French chargé d'affaires in London reopening the whole question of the municipality of Tangier on an entirely new basis and making far-reaching proposals of a fundamental kind in a sense directly opposed to the views previously agreed upon between their own delegate on the commission and his two colleagues.

After careful study of this paper a memorandum [No. 39180] was drawn up at

this Office dealing fully with the new French proposals and explaining in detail the reasons why His Majesty's government felt unable to accept them as the basis of the organisation to be created at Tangier. This memorandum was communicated to M. Cambon on the 23rd September, and on the 18th October his Excellency forwarded to me a counter-memorandum of which I now transmit to your Excellency herewith a copy, together with a file of the previous papers referred to.

When communicating to the Foreign Office the memorandum of the 27th August, of which the effect practically was to cancel almost everything that had been provisionally settled in full harmony by the commission of experts at San Sebastian, the French chargé d'affaires asked that the further negotiations and discussions should be conducted in London without reference, in the first instance, to the Spanish government, and the exchange of views embodied in the communications which have passed subsequently, has accordingly been confined to the British and French governments. I understand, however, that the last French memorandum has now been handed to the Minister of State at Madrid, and I am requesting His Majesty's Ambassador at that capital to place before his Excellency the papers explaining the views of His Majesty's government on the French proposals. These views are more fully set out in the memorandum which I have caused to be prepared in answer to M. Cambon's communication of the 18th ultimo, and of which duplicate copies accompany the present despatch.

Your Excellency will gather from this memorandum the exceedingly unsatisfactory nature of the general scheme which the French government now desire to press upon us, and the grave objection which His Majesty's government cannot but entertain to the way in which the agreement already arrived at with the French delegate has in respect to some of the most essential points been abruptly and unceremoniously set aside, to make room for proposals of a novel kind, running counter to the very principles on which the whole fabric of the previous understanding had been built up.

Instead of endeavouring to meet the arguments and contentions which His Majesty's government had brought forward in opposition to this new departure, the French government seem to consider it sufficient for the most part to ignore them. But not content with merely restating their proposals and reiterating their views, M. Cambon's latest communication still further accentuates their most objectionable features, and gives to them an even more radical extension in a direction which makes them increasingly difficult to reconcile with the plan of international organisation which had been accepted as the starting point, with the approval of the three governments, by the Madrid Commission. This is notably the case in regard to the constitution of the Municipal Council and the attributes of the chief executive officer. As regards the position of the Moorish Khalifa, the French government, whilst appearing to make a concession, in reality reaffirm their previous proposals, which are open to grave objection. There are numerous other points on which the suggestions of the French government cannot well be harmonised with the international character of the municipality, or with any system of stable and efficient administration in the peculiar conditions of a quasi-sovereign township, such as Tangier is to become.

I have been given to understand by M. Cambon that the new proposals which are of this unpractical and unsatisfactory nature, have been evolved by a distinguished official who has recently entered the Moroccan section of the French Foreign Office, and who is stated to combine great administrative experience with a thorough knowledge of the municipal institutions of Algeria and Tunis. It seems to me probable that the defects of the new scheme are in a large measure due to the inclination which would naturally be felt by an officer possessed of these qualifications, to apply provisions and arrangements with which he is familiar, and which he has seen working satisfactorily in appropriate surroundings, to other conditions to which they are not equally suitable. It would not be surprising if, in the eyes of a French official accustomed to the forms and methods of French colonial administration, with its strongly centralising tendencies and its bureaucratic organisation, any newly to be created institution of the nature of a municipality, and described as such, were expected to conform to the type of French township which embodies what must appear to him all that is essentially good in such institutions, and which he sees efficiently filling its place in the general scheme of government under which the French possessions in Africa are administered. But, as I have observed in the enclosed memorandum, an Algerian or Tunisian township is a very different thing from an international and autonomous municipality on Moorish soil, and it is to be hoped that the French government will recognise on further consideration how unreasonable it would be to insist on forcing on a self-governing community, in the councils of which twelve nationalities are to have a direct share,

the peculiarly rigid arrangements which are found suitable for the entirely dissimilar conditions of French provincial towns and congenial to French colonial administrators.

So far, however, M. Cambon's communications do not indicate that the French Minister for Foreign Affairs altogether realises the strength of the objections entertained by His Majesty's government to the views put forward by his department, and I am anxious that his Excellency should not remain in doubt as to the concern with which His Majesty's government are watching the unsatisfactory turn taken by the discussion in consequence of the change of attitude revealed in his two last memoranda. I am afraid that unless M. Poincaré can be brought to see the justice, not to say necessity, of showing a little more consideration for the views of other countries equally interested with France in determining the conditions under which the Tangier municipality is to be established, no progress is likely to be made in the negotiation; and an unbending insistence on the acceptance of the new French point of view can only lead to a deadlock which would be deplorable and seriously embarrassing in view of the fact, to which I have already called attention, that the satisfactory solution of the problem of Tangier is intimately bound up with the larger question of the division of Morocco into separate protectorates.

From the records of the conferences at Madrid and San Sebastian, His Majesty's government, although they have not had occasion to consult the Spanish cabinet, feel confident that the latter will be found to share, generally, the objection felt here to so marked a departure from what had previously been agreed upon, as characterises the new French proposals. In these circumstances, I am all the more reluctant to continue the present discussion to the exclusion of Spain, whose weight would probably be thrown on the British side in the controversy, and I should strongly favour an early resumption of the labours of the commission of experts at Madrid, provided always that the French delegate were furnished with instructions affording a prospect of a friendly settlement more in accord than are the recent French proposals with the spirit of the arrangement which the three governments had originally contemplated as a suitable solution.

I should be glad if, in communicating to M. Poincaré a copy of the memorandum transmitted herewith, your Excellency would place before him so much of the above considerations, and in such a manner, as you may think most judicious and best calculated to induce him to take a large and sympathetic view of our position. It would be a sincere gratification to His Majesty's government if they could receive an assurance that the French government do not intend, in the face of the reasoned objections I have urged, to insist on the ideas which have inspired their latest proposals, and that they will be ready to meet us by sending their delegate to resume the conversations at Madrid, under instructions giving him reasonable latitude to continue the negotiation with his colleagues in the spirit of conciliation and compromise which so happily marked the earlier labours of the commission.

I am, &c.
E. GREY.

Enclosure in No. 168.

Memorandum respecting Tangier Municipality.

1. HIS Majesty's government have given close attention to the memorandum respecting the proposed municipality at Tangier which the French Ambassador in London had the goodness to communicate to the Foreign Office on the 18th ultimo. They had confidently expected that after duly weighing the considerations put forward in the British memorandum transmitted to M. Cambon on the 23rd September last, the French government would recognize the seriousness of the objection to putting aside in regard to some of the most essential points the agreement which, after months of patient labour, of detailed discussion and mutual give and take, had been arrived at by the commission of experts assembled at Madrid at the instigation of the French government themselves. His Majesty's government earnestly deprecated this abandonment of valuable ground gained by common agreement, conciliation, and compromise, and the substitution therefor of entirely novel proposals, shifting altogether the basis on which the discussions had previously proceeded in essential harmony between the three governments. They gave in some detail the reasons for which the new proposals appeared to them objectionable, because running counter to the principles which had so far been accepted as underlying the whole scheme of a free and autonomous international municipality.

2. It is with sincere disappointment that His Majesty's government see these

objections put aside rather than answered in the French memorandum now under reply, which in the main reiterates, without further justifying, the views previously expressed, but adds new difficulties by suggesting still more far-reaching innovations, even less compatible, so it appears to His Majesty's government, with the general lines of settlement which they had considered themselves entitled to regard as practically agreed upon.

3. The present memorandum has been prepared in the sincere hope that the French government will see the force and justice of the objections entertained by His Majesty's government to the abandonment of the original bases of negotiation so far as these led to agreement at Madrid and San Sebastian, and to their replacement by a plan conceived on radically different lines, a plan which, they recognize, has been worked out with much careful thought and ingenuity, and explained with remarkable lucidity, but which, they are convinced, fails to take into due account the altogether peculiar conditions in which an international municipality at Tangier will have to work and function.

4. In view of the further departure from common ground marked by the new French proposals, His Majesty's government think it right to recall that their reluctantly signified consent to the retention of the Contrôle de la Dette at Tangier as part of the arrangement to be concluded, was not, as the French memorandum appears to assume, given unconditionally, but expressly made contingent on the views of His Majesty's government being met on other points of importance.

5. The several questions at issue are, for convenience of reference, dealt with below under the same headings as have been adopted in the previous memoranda.

I.—Mode of Setting up the Municipality.

6. As Spain is to be one of the signatories of the tripartite convention to be communicated to the Powers, it is desirable that she should resume an active part in the discussions without delay. It is understood that the latest French memorandum has been communicated to the cabinet of Madrid, and His Majesty's government would now urge that the Spanish government should be invited to furnish their views on the various points raised in the papers recently exchanged between the British and French governments.

II.—Powers of the Municipality.

7. His Majesty's government fear that the French government have not fully understood their view of the position to be occupied by the Moorish khalifa, and they regret that their memorandum of the 23rd September should not have made this point sufficiently clear. The French government observe that the khalifa may be *either* the administrator of native affairs, dependent on and under the control of the municipality, *or* the representative of the Sultan on the municipality. The view of His Majesty's government was that he might well combine *both* these positions, acting as the representative of the Sultan on the Committee of Control, and enjoying, in this capacity, absolute equality with the representatives of the Powers on that body, but exercising any functions which may be assigned to him as the highest Moorish official in relation to native affairs, strictly under the control of the Municipal Authority as a whole, to which the Sultan's authority is to be delegated. His Majesty's government were led to propose that the khalifa should be invested with a dual capacity by the consideration that it seemed undesirable to multiply the number of Moorish officials. But if the French government are of a different opinion, His Majesty's government would be ready to consider the advisability of allowing the khalifa, whose functions would thus be restricted to membership of the Committee of Control, to nominate a separate Moorish official to administer native affairs under the supervision of the municipality.

8. In no case, however, do they consider that any "primauté d'honneur" should be conceded to the khalifa, as this would run directly counter to the fundamental principle on which the municipality should rest. The municipality is to be international in name as well as in fact, and His Majesty's government attach the greatest importance to the necessity of emphasizing this principle in every way, and of precluding anything which might make it appear that the Moorish element in the Council enjoyed a privileged position. In their opinion, the most suitable arrangement would be that the presidency of the Committee of Control should belong *ex officio* to the doyen of the foreign representatives.

9. Similar considerations militate against the acceptance of the proposal that, as

towards Moorish subjects in the municipal district, the khalifa should have precisely the same powers as are exercised by the representatives of the other States in regard to their respective nationals. To such a stipulation there might be less serious objection if, at the very outset, the judicial powers of the foreign consuls under the system of extra-territorial rights were at once to disappear. His Majesty's government fear, however, that the abolition of foreign consular jurisdiction, including the right of protection in the international zone, and the creation of the tribunals proposed in section VIII of the French memorandum cannot, even in the most favourable circumstances, be carried into effect without considerable delay, owing to the technical difficulties to be solved and to the necessity of negotiating with all the treaty Powers. On the other hand, both governments are agreed that it is most desirable to set up the municipality at the earliest possible date. This matter is further referred to in a subsequent paragraph of the present memorandum. Meanwhile it may be said that there must inevitably be an intermediate period, during which the foreign representatives will continue to exercise jurisdiction over their nationals, as is indeed recognized by the French government, since in section IV of their memorandum they express the view that protected persons—who would of course no longer exist after the right of protection has been abolished—should neither be eligible for election to the Council nor have a vote; while in section V they suggest a provisional régime pending the institution of civil tribunals having jurisdiction over all residents.

10. It would be highly undesirable to complicate the position which must ultimately be that of the khalifa, by allowing him, during this intermediate period, to exercise independent functions in respect to native affairs, which he would shortly afterwards be called upon to resign into the hands of the municipality, under whose direction he would thenceforward have to act; and it is noted with satisfaction that the French government expressly concur in the view that such independent administration cannot be claimed for the khalifa. It is difficult therefore to understand how either government can accept, as applicable to the period of transition, the formula proposed by M. Guiot at Madrid, and now endorsed in the French memorandum, laying down that the Sultan shall exercise through the khalifa "aussi bien au regard de ses ressortissants qu'au regard de la municipalité, les droits ou pouvoirs qu'exercent les représentants des Puissances." The acceptance of this formula would entail, although only temporarily, the very contingency which both governments desire to avoid, that is to say, the exercise the jurisdiction by the khalifa over Moorish subjects in the Tangier district.

III.—Area of the Municipal District.

10. It is not clear what "special administrative measures" the French government contemplate. It will no doubt be expedient to extend the urban tax to the whole of the international zone, and as this will entail a modification of article 61 of the Algeciras Act, a provision to this effect ought to be inserted in the convention to be concluded. The extension of the urban tax to the rural districts would suffice to place all the residents in the international zone on the same footing as regards the electoral franchise as well as regards taxation. Apart from this it will, of course, be for the municipality to decide what measures, if any, it may be thought desirable to apply to the rural as distinct from the urban district.

IV.—Machinery of Government.

(a.) *Composition of the Municipal Council.*

11. It is observed with deep regret that the French government not only remain in favour of three separate electoral colleges, but, by suggesting a division of the Council itself into three distinct bodies, to sit apart when dealing with seriously contentious business, have gone yet a step further in a direction leading away from the principles of simple and direct representation, which appear to His Majesty's government to offer the best, if not the sole, guarantee that the machinery of government to be set up will be easy of application, smooth in working, and efficient in results.

12. It may be that the French proposal is based on analogies found in Algeria and Tunis, but it is well to remember how radically different are the conditions of the problem at Tangier. Behind any local institutions in Algeria or Tunis, or in the eventual French protectorate in Morocco, stand the power and authority of France, with unlimited means of interference, guidance, pressure, and control. At Tangier, there

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will be no central authority in the background, with the necessary power to enforce its views, override opposition, or compel compromises and conciliation, except for the possibility of collective action on the part of eleven separate and independent governments. Within a State so firmly organized as the French Republic, the particular degree and mode of popular representation allowed to municipal bodies must be governed by considerations of a nature differing fundamentally from those to which primary importance attaches in the case of an international body invested with quasi-sovereign rights over the territory which it governs. The most essential requirement of such an assembly—apart always from the governing principle of the equality of the participating nations—is that it should in an equitable measure reflect the varied interests of the citizens, proportionate weight being duly given to those elements which, in virtue of personal character, economic position, and political capacity, can be trusted, and may be called upon to take their proper share in the larger responsibilities of a self-governing community.

13. The next consideration, of hardly less importance, is that the various elements thus selected should take their place in the municipal organization under conditions which will, so far as possible, ensure willing and intelligent co-operation of all for the common good. They should feel that every section of the population is directly concerned in the stability and efficiency of government, and that the separate and, it may be, at times conflicting interests of classes, sects, or nationalities, whilst they require to be duly studied and conciliated, must always remain subordinate to the welfare of the whole. Nothing more surely tends to encourage the growth of such a spirit of harmonious co-operation, or the formation of a healthy public spirit, than the consciousness that each section of the community has the opportunity of making its voice heard in the council chamber, can ventilate its grievances, and is free to suggest the appropriate remedies, with the assurance that these will be considered on their merits and elucidated in the dialectical process of opposition and debate, and that the decisions will be directly influenced by the votes of the parties concerned.

14. The French scheme seems to err, first, in unduly magnifying the importance of the native element, which is certainly not at present, nor likely to be for many years to come, politically ripe for assuming a share in the organization of self-government in any way proportionate to its numerical strength. The French government disclaim any idea of wishing to create a system of proportional system of representation based on numbers, in distinction from the representation of nationalities on a footing of equality. In the French memorandum, however, communicated to the Foreign Office on the 26th August, the numerical superiority of the Moors was advanced as the reason for giving them an increased proportion of seats on the Council. In their last memorandum, the French government put forward no fresh argument in favour of such an enlarged Moorish representation, which however they continue to advocate. It would appear therefore that, notwithstanding their disclaimer, they look upon the fact that the natives materially outnumber the Europeans as sufficiently justifying their proposal. To provide for an increased Moorish representation on this ground would certainly appear tantamount to at least a modified form of proportional representation.

15. The complete adoption of the proportional system, which could on purely abstract grounds be defended as logical and consistent, is, of course, recognized to be unsuitable to the conditions of Tangier. But in the endeavour to retain some of its features, whilst repudiating its essence, the French government are driven to fall back upon an arrangement which does not appear to be based on any logical principle, but is in its nature essentially arbitrary, and consequently necessarily difficult to justify to those who will be disposed to criticize its fairness. A system of representation proportional to numbers is intelligible; a system giving in an international body equal representation to each of the different nationalities, conforms to a simple and natural theory. But the abandonment of either of these systems leaves no principle to appeal to, except expediency or force. No doubt an allotment of seats entirely based on political expediency could be made acceptable, if freely agreed upon by all the parties, including the natives; or it could be imposed by an act of authority on the part of the Powers. But either of these courses would in practice be found exceedingly difficult to follow in the case of Tangier, and would be open to grave objection. His Majesty's government therefore remain of opinion that equal representation of the nationalities, including the Moors, offers the only satisfactory solution. It is simple; it rests on an intelligible general principle; it avoids the explicit assertion of any invidious theory of native inferiority; and, at the same time, it ensures the admittedly necessary predominance in the conduct of affairs of European standards of knowledge, experience, judgment, and character.

16. Intimately connected with the question of the numerical representation of natives in the Council, is the suggested division of the electorate into a European, a Mahometan, and a Jewish college, each voting separately for its own candidates. Whatever train of reasoning may have first recommended this plan to the French government, it is easily seen that some such arrangement might appear suitable once it were decided that each of these three constituent elements of the electorate should have assigned to it a definite but varying number of seats, fixed in accordance with no principle of general application. But by abandoning the plan of an allotment of seats on such lines, the necessity of the proposed division of the electorate would also disappear. The sole argument advanced in the French memorandum against the acceptance of a single electoral body is the fear that "la population indigène ne s'inspirera dans ses votes que de considérations locales et portera son choix sur les candidats les plus favorables à ses désirs. Établir un collège unique équivaudrait donc à une véritable organisation de la surenchère électorale." It may be readily admitted that the system of representation by election is not free from objections, and that candidates contending on opposite sides for popular favour are often tempted to appeal to the class interests of particular sections of the community, with the not infrequent result that the choice between parties is unduly influenced by considerations based on such narrow interests rather than on a wider outlook. But these are features inherent in any system of free elections, nor can it be said, whatever may be the demerits of elections conducted on party lines, that there is anything inherently wrong or objectionable in the fact that natives, like other electors, give their votes to those who appear ready to take a sympathetic view of their wishes or grievances. The French government have admitted the principle of an elective Council at Tangier ever since the question of autonomy was first mooted, and it is difficult to understand how objections which, in a certain degree, must apply to every election to any local autonomous body, can be used as a conclusive argument against a single, as distinguished from three, electorates. However many electorates were created, the native voters would still, quite naturally and rightly, be inspired by local considerations, and rival candidates would always be in danger of rather following than guiding the opinions of their constituents, whatever system may be adopted.

17. Perhaps the desire to remedy this imperfection inherent in the system of free elections helped to stimulate the idea of the French government to have recourse to the arrangement of splitting up the Municipal Council into three distinct sections or chambers, sitting and voting apart. This is the second point in the French electoral scheme which invites serious criticism. It is in fact remarkable that whilst seeming to favour an exceedingly liberal participation of the natives in the affairs of government, the French government should advocate an arrangement which would most surely counteract such a tendency, so much so that it would in reality largely deprive native representation of any practical effect or value. If what may be called the native chambers were, on any particular question, to vote on the same lines as the European chamber, although no practical advantage would result from native representation that would not be equally secured without it, yet no difficulties would, of course, arise. The French government anticipate that this is likely to happen in all matters except finance and taxation—a sanguine view for which it is not easy to see the justification. As a ground for its acceptance, the French memorandum mentions the constitutional limitation of the powers of the municipality. Yet the whole scheme of an autonomous municipality presupposes, as the French government in section IX of their memorandum explicitly recognize, that the powers of the municipality must be of the widest scope. Every kind of question, whether of legislation, or administration, is likely at some time or other to engage the attention of the Municipal Council, and it is to be feared that a divergence between the European and the native points of view is only too likely to emerge, at some stage, in regard to almost any class of subjects thus coming up for discussion.

18. Any controversy of this nature is bound to be markedly accentuated by a separation of electorates and of deliberating bodies. If the councillors cannot understand each other and come to an agreement when they sit together and hear the arguments on all sides, they are still less likely to do so when their discussions are conducted apart. But whether the occasions of disagreement are few, or whether they are numerous, the arrangement proposed by the French government involves that, for all practical purposes, on every such occasion, the native vote shall remain ineffective. For in all cases of disagreement, the question at issue is to be decided by the Committee of Control, in which the natives are represented by one vote in twelve, and it can hardly be doubted that, when there is real antagonism between native and European

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views, the Committee of Control would as a rule be found to side with the foreign colonies. It is surely altogether undesirable that the Committee of Control should be placed in the invidious position which it would under such an arrangement occupy. On it would fall the onus of opposing practically all native demands in regard to questions which divided the native and the European electorates. Having regard to the supreme and independent position of the Municipal Authority, it would be difficult to conceive anything better calculated to promote at the same time all the evils of racial antagonism, and the danger of a rebellious attitude on the part of the natives towards the constituted authority of government.

19. In an assembly which, besides the twelve members nominated on a footing of equality by all the treaty Powers, including Morocco, is to consist of eighteen members freely elected by all enfranchised citizens voting together on one general list of candidates, with the sole retriction that not more than three of the elected members may belong to any one nationality, the natives, who would undoubtedly carry the election of their three Moorish candidates, would not only be directly represented by these and by their Sultan's nominee, but would also be conscious of having by their votes in a certain degree influenced the choice of the European members. It is therefore not unreasonable to hope that any decision arrived at by a majority of an assembly so constituted, even if adverse to some supposed native interest, would be accepted with greater readiness and less sense of unfair treatment than decisions given by the Committee of Control sitting in judgment, as it were, on the native chamber whenever the latter's resolutions were in conflict with those of the European chamber of the Council.

20. Adherence to the original plan of a single electorate and a united council would also obviate the practical difficulty to which the French government have themselves called attention as arising out of their new proposals, namely the difficulty of classing foreign-protected natives in any one of the three electoral colleges. It is now suggested that this difficulty should be solved by the total disfranchisement of that class of residents His Majesty's government would find it difficult to agree to this proposal, as it seems to them contrary to common justice and equity that, during the intermediate period before foreign protection is definitely abolished, a large number of natives—counting among them some of the most respectable and most cultivated—should be deprived of any voice in the local administration merely because they have taken advantage of benefits conceded to them by international agreement. The French memorandum also particularly refers to the case of natives of Egypt who may be residing at Tangier. It is therefore necessary to point out that His Majesty's government cannot see their way to assimilate the status of Egyptians to that of British subjects, and this only accentuates the difficulties which would be evoked by adopting the triple division of the electoral body suggested. None of these difficulties would arise if the simple principle of a single electorate of qualified residents, which had already been accepted by the French delegate on the Madrid Commission as the most natural and obvious arrangement, were adhered to.

(b.) *Number of Members.*

21. For the reasons explained in the preceding paragraphs His Majesty's government is opposed to any further increase in the Moorish representation. The French government at one time themselves explicitly accepted the principle of placing the Moorish representation on a footing of absolute equality with that of the other Powers. This was formally announced by the French delegate on the Commission of Experts at a meeting which took place at Madrid on the 24th June last. A brief analysis of the distribution of nationalities as it would in practice be effected under the scheme proposed by the French government, will illustrate the defects inherent in it. According to that scheme 10 seats on the Council out of a total of 30 would be allotted to the natives. Of the remainder, 11 seats are to be filled by the members nominated by the treaty Powers, leaving room for 9 elected Europeans, the maximum number belonging to any one nationality being restricted to 3. Under this arrangement, both France and Spain will presumably expect to secure 3 members each out of the 9, so that only 3 seats would remain for all other nationalities, including British and German. The French government will no doubt agree on consideration, that this would not be an adequate arrangement. His Majesty's government adhere to the view expressed in section 3 (b) of their memorandum of September 23rd that the Council should consist of twelve nominated and eighteen elected members, not more than four councillors, including the nominated members, being allowed to any one nationality, whether European or native.

(c.) *Nominated Members.*

22. His Majesty's government are glad to take note that the French government are ready to agree to their view in regard to the method of nomination of councillors.

(d.) *Executive Powers.*

23. The French government appear to take a view of the duties and position of the chief executive officer of the municipality which tends to invest him with powers so wide as to place him almost above the Municipal Council itself and to make him practically independent of its authority in respect to some of his most important functions: he is to be "officier de l'état civil, chef de la police, gardien responsable de la charte constitutive de la zone internationale, commissaire du protectorat collectif," &c., and to concentrate in his person a whole series of ministerial attributes such as in Europe are generally divided between several persons. In the opinion of His Majesty's government all the functions of this officer would be accurately summed up in a single one of the series of attributions given to him in the French memorandum, namely, that of "exécuteur des décisions de l'assemblée municipale." They consider it essential that no doubt should be allowed to exist as to the supreme and exclusive authority in all matters of administration of the Municipal Council itself, acting with the approval of the Committee of Control. The chief executive officer must be in every respect subordinate to that body, and under its unfettered control, and he can have no powers except those derived from that source. Nearly all the special functions attributed to the executive officer in the French memorandum appertain properly to the municipality, which is altogether unlikely to confer upon him the right to make appointments except perhaps to minor posts; or to invest him with wide disciplinary powers over the municipal staff; or to delegate to him any general authority to make ministerial regulations. Nor is there any reason to contemplate that he will either command the police, which ought surely to be under its own officer directly responsible to the municipality, or discharge the duties of a Treasurer and Accountant Officer, which would more properly be confided to a financial expert. In fact, it would create an impossible situation, and would involve a constant and dangerous conflict of authority if an officer armed with independent and concurrent powers were to be placed in juxtaposition to, not to say above, the municipality.

24. The French government see in the difficult and complex character of the attributes of the chief officer a reason for choosing a suitable candidate from outside the Municipal Assembly. If, however, the natural and necessary limitation of his powers and functions are once recognized, there should be no difficulty in finding amongst the nominated, if not the elected, members of the Council a person possessing the requisite qualifications, whereas it would probably be difficult to guarantee a suitable selection if the choice were restricted to the subjects of a minor Power without any local knowledge or experience in the treatment of natives, and made by persons without real responsibility. Officials selected in such circumstances in the past by the heads of minor States have not always been found altogether satisfactory, and if an unsuitable officer were appointed, it might be a delicate matter to get rid of him. Incidentally, it would no doubt be necessary to pay him a high salary, imposing a heavy additional charge on the slender resources of the municipality. These latter objections could perhaps be surmounted: it is on the question of principle that His Majesty's government take their stand. They have already intimated that in the unfortunate contingency, which they do not think is likely to arise, of the Council being unable to agree upon the choice of a chief officer, they would be ready to let him be selected by the President of the Swiss Federation. But they continue, for the reasons now more fully explained, to hold that, if possible, and preferably, both he and his assistants or deputies should be elected by their fellow-councillors from among themselves, subject to the proviso that they should all be of different nationalities.

25. It seems inadvisable to stipulate, as suggested in the French memorandum, that one of the assistants should always be a Moor. It is doubtful if a competent Moorish councillor could at present be found to undertake these duties, but if so, it would be open to the Council to elect him, and that ought to suffice.

(e.) *Committee of Control.*

26. His Majesty's government are unaware of any reason why the expert officials of the municipality should be accorded the right to attend the meetings of the Council and Committee and take part in the deliberations on their own initiative. It seems to them, on the contrary, that the experts should only attend when invited, and should retire after they have been heard.

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27. In concluding the observations under this head, it may be desirable to state in a succinct form the guiding considerations which weigh with His Majesty's government in rejecting the principles which underlie the French proposals. In settling the general lines of a political organization in which the natural genius of a number of widely different nationalities is to find scope for effective co-operation, it would seem essential to avoid, as far as possible, any tendency to model the public institutions too closely on peculiarities of a system prevailing in any one particular country. Simplicity and elasticity rather should be the cardinal considerations, and room should be allowed to permit an efficiently working machinery of government to develop itself freely and on natural lines under the stimulus of local conditions, and in response to practical needs as they arise and make themselves felt. These objects seemed, and still seem, to His Majesty's government to be largely secured by the original scheme of which the main principles were: the election of a due proportion of the members of the Municipal Council by all the qualified residents voting together; the meeting of all the councillors, nominated and elected, in free debate, under the presidency of a chairman freely chosen from among their own body, conducting their discussions and making their decisions by majority votes, in accordance with rules settled by themselves; and the delegation of executive authority to the chairman and to expert and departmental officials under the Council's own direct control. Such is the system which, in the opinion of His Majesty's government, once shared by the French, and still believed to be shared by the Spanish government, offers the best guarantees for a stable and efficient administration, conducted with sympathetic regard to all sectional interests. And holding this belief, His Majesty's government feel very strongly the necessity of avoiding and resisting the complications of an electorate divided on a racial and religious basis; a distribution of seats in accordance with an artificial standard of the relative importance of the several sections; the segregation and isolation of the native vote in a separate assembly; and the imposition from without of an executive with large independent powers to be conferred upon it in derogation of those of the Municipal Council itself.

V.—Franchise.

28. It has already been explained above in section III that His Majesty's government contemplate the extension of the urban tax to the rural district, which would place all the inhabitants of the international zone on the same footing in respect to the main qualification for the franchise.

29. As regards the preparation of the electoral lists and the settlement of legal questions arising in this connection, His Majesty's government are willing to accept the proposals set forth in the French memorandum.

VI.—Revenues of the Municipality.

30. His Majesty's government realize that as the scheme of lines of transit has now been abandoned, there is no method by which an exact calculation could be made of the amount of the customs duties properly to be retained by Tangier after payment of the share in the service of the French loans falling to the charge of the international zone. Given this unsatisfactory state of affairs, the best course would seem to be to make at the beginning of each year as careful an estimate as circumstances will permit of the amount of duty due to the French and Spanish protectorates for that twelve months. The estimate would apply only to the year for which it was made, and once fixed it should remain definitive. For it would only lead to confusion to revise such estimate subsequently with retrospective effect, since no amount of revision could really assure entire accuracy in the absence of definitely ascertained and authoritative statistics, the impossibility of compiling which is the very reason for falling back on the expedient of an estimate. There can accordingly be no reason for introducing an additional element of uncertainty into the municipal budget by the substitution of a revised estimate. The French government will no doubt agree that, having regard to all the circumstances, the estimate, based in each case on the results of the preceding year, as far as they can be ascertained, should be framed by the municipality and the Contrôle de la Dette acting conjointly, in a spirit of liberality towards Tangier.

31. In the communication addressed to M. Cambon on the 23rd September last, His Majesty's government had expressed the desire to receive a formal assurance that the French loans would be paid off at the earliest possible moment, and that, when paid off, the maintenance of the Contrôle at Tangier would automatically lapse. In reply the French government now declares that the Contrôle will automatically disappear the

moment that the debt secured on the resources which the Contrôle administers is extinguished. The French government will recognize that this declaration does not deal with the principal point of the British request, which was for an assurance that the French loans will be paid off *at the earliest possible moment*. It is understood that this moment will arrive in about fifteen years from now, and His Majesty's government would suggest that the assurance they desire should take the form of an undertaking that the French protectorate authorities will communicate with the municipality at the earliest moment when the terms of the loan contract permit of repayment, with the view of concerting measures for the extinction of the debt.

32. It is much to be regretted that the French government cannot see their way to release the municipality from any obligation in respect of the French war indemnity. It is, however, to be presumed that so long as payment of the annuity on this account is suspended in the French protectorate, a similar suspension will take place as regards the international zone, and His Majesty's government would be glad of an assurance on this point.

33. It is admitted that the authorities of the Dette must, in accordance with the terms of their contract, continue to utilize for the service of the loans all the pledged revenues as collected. But it is essential that accounts should be drawn up at the end of each financial year, showing separately the revenues collected at Tangier from each of the several different sources pledged for the loans, and that the proportionate amount due from Tangier should be deducted from the total, the whole of the remainder being credited to the municipality. The best method of effecting this operation might well be left for discussion between the three experts when the negotiations previously conducted at San Sebastian are resumed.

34. There appears to have been a misunderstanding with regard to the Makhzen properties in the international zone. His Majesty's government did not intend to convey that the municipality should be *associated* with the Makhzen in the exercise of the powers reserved to the latter under the loan agreement of the 21st March, 1910; what they meant to suggest was that the municipality should be *substituted* for the Makhzen. Their idea is that the delegation of the sovereign rights of the Sultan to the munipality must include all the latter's rights over Makhzen properties in the international zone, whether affected to the service of the loans or not. They do not fully understand whether, in saying that "le Sultan ne devra pas être dépouillé de ses droits de propriété" the French government wished to draw a distinction between lands belonging to the Sultan in his private capacity, and Makhzen lands. If so, His Majesty's government would observe that, so far as they are aware, the Sultan does not possess any private property in the international zone. It need hardly be said, however, that there is no intention of depriving His Shereefian Majesty, any more than any other individual, of his private possessions. As regards, on the other hand, the proprietary rights of the Sultan in Makhzen lands, including any rights of disposal, management, and revenue, these should now clearly devolve on the municipality, subject, of course, to any lien thereon previously effected in the favour of the bondholders.

35. To the retention by the khalifa of such government buildings as he may actually require there would seem no objection, but an arrangement should be made whereby the remainder of these buildings will be transferred to the municipality for official purposes. His Majesty's government agree that the buildings, &c., now used for non-municipal services, such as those of the Contrôle de la Dette, need not for the present be handed over to the municipality.

36. With regard to the reorganization of the *Habous*, His Majesty's government must point out that the nomination and dismissal of the *nadir*, like that of the cadi and other necessary native officials, must be subject to the approval of the municipality ratified by the Committee of Control. They see no reason why a two-thirds majority should be necessary for the *nadir's* dismissal, and think a simple majority vote by both the Council and the Committee would be sufficient. The application of the revenues of the *Habous* should, within certain specified limits, be under the control of the municipality, which should enjoy the same liberty in applying the surplus revenues from this source as prevails in other Mussulman countries. This will probably be found to include certain other purposes of public utility besides those specified in the French memorandum.

VII.—Public Works.

37. It is not clear what "guarantees" are contemplated by the French government for the proper administration and judicious disbursement of the resources derived

from the *caisse spéciale*, and His Majesty's government would be glad of further explanations on this point.

VIII.—Judicial Arrangements.

38. His Majesty's government have studied the proposals of the French government with interest, but, as mentioned above in section II, they consider it most important to avoid the great delay in the institution of the municipality which would inevitably be caused if it were decided to defer its establishment until a complete new system of jurisdiction is actually introduced. For this reason they will at this stage abstain from any comment on the present French proposals, which would seem to afford a basis for eventual discussion. They think the needs of the moment will be met by the insertion in the convention of two articles, the first binding the signatory Powers to proceed at the earliest possible moment to a revision of the system of foreign extraterritorial jurisdiction, including the right of protection in the international zone, and to the establishment of a single international jurisdiction; the other, making provision for the immediate establishment of a tribunal empowered, as a purely temporary measure, to try (1) cases of infractions of municipal laws and regulations by persons of whatever nationality on whom those laws and regulations are binding, and (2) any suits that may be brought against the municipality, Contrôle de la Dette, Régie, and similar official or quasi-official institutions. It has occurred to His Majesty's government that the court now in existence which has jurisdiction to try cases brought against the State Bank, would be entirely suitable for this purpose, and they would be glad to learn the views of the French government on this suggestion.

IX.—Limitation of the Powers of the Municipal Council.

39. In quoting the formula for the protection of acquired rights presented by the French delegate at San Sebastian, the French memorandum has expanded the list of institutions whose rights are to be outside the purview of the municipal authority, by including in it the service of Public Works. This is no doubt due to inadvertence, as this additional clause did not figure in the text presented by M. Guiot. His Majesty's government cannot see how the service of Public Works can properly be excluded from the control of the municipality. The execution of public works in the international zone is clearly one of the most essential functions of the municipality, and the erection of an independent authority controlling such an important department of the public service would create an *imperium in imperio* which there is nothing to justify.

40. As regards the rules proposed by M. Guiot, His Majesty's government would suggest that a sentence should be added to rule No. 5, providing that any fortifications or military works now existing at Tangier shall be dismantled. It may be convenient to observe here that the article in the convention by which the Sultan will delegate his sovereign rights to the municipality ought to contain a definite undertaking on His Shereefian Majesty's part to withdraw any Moorish military forces now at Tangier, and not to employ or station any troops or other forces there in the future.

41. The statement in the French memorandum that the French government are unaware of the reasons which led His Majesty's government to propose the omission of land regulations from the subjects on which the municipality are not to legislate without a previous understanding with the authorities of the two protectorates, has been read with some surprise. Land regulations were originally included among these subjects, because it was considered desirable that uniformity in the matter should prevail throughout Morocco. When, however, the British delegate on the Commission of Experts learnt that the French and Spanish zones were to be free to legislate independently on the subject, he made a reservation with regard to land regulations on the ground that uniformity was now improbable, and that if in these circumstances the municipality were still required to consult previously with the authorities of the two protectorates, considerable confusion might ensue, since the French and Spanish authorities would naturally each wish Tangier to adopt the legislation in force in their respective zones. M. Guiot promised to refer the British reservation to Paris, and subsequently (on the 10th July last) gave his adherence to a formula in which land regulations were omitted. His Majesty's government therefore had every reason to believe that the French government concurred in their view, which, for the reasons given above, they still maintain.

42. It will also be desirable to remove "the Customs tariff, and other matters relating to the Customs," from the list of subjects with which the municipality is not

empowered to deal without a previous understanding with the authorities of the French and Spanish zones. The Customs tariff, being fixed by international treaties, could only be amended with the express and formal consent of all the treaty Powers. It would therefore be misleading to allow a clause to stand which might be held to imply that such amendments were within the power of the municipality and the adjoining protectorates, provided they had previously come to an understanding in the matter.

Foreign Office, November 18, 1912.

[49851] No. 169.

Mr. Kennard to Sir Edward Grey.—(*Received November* 23.)

(No. 275.) *Tangier, November* 16, 1912.

Sir,

WITH reference to your despatch No. 140, of the 29th ultimo, I have the honour to report that the scheme for roads at Tangier, involving an expenditure of 1,200,000 fr. has been approved by the corps diplomatique and the "Comité spécial des Travaux publics." It has now been referred to Maghzen for their approval, regarding which the president of the committee anticipates no difficulty, and one can only hope that he is not unduly optimistic. Sir Reginald Lister, in expressing his agreement with the execution of the works, stated that he considered that in due course information should be furnished as to the financial situation of the "Caisse spéciale," more especially as regards the advances made for the "taxe urbaine," the interests said to be due from the Banque d'État and the sums furnished for the lighter service of the "Contrôle de la Dette."

I have the honour to transmit herewith copy of a statement which has been furnished to this legation by Ali Zaki Bey, regarding the revenue and expenditure of the "Caisse spéciale" from the year of its establishment to the end of 1912.* You will observe that the revenue for Tangier amounts to 1,473,000 fr., while the total expenditure will have been 2,300,518 fr. 52 c. of which 709,999 fr. 21 c. have been advanced to the "taxe urbaine." These figures indicate a considerable discrepancy between expenditure and revenue and do not compare favourably with those for the other ports. The large sum advanced to the "taxe urbaine," will, I fear, prove a debt for the future municipality, unless it can be written off now. Ali Zaki has been consulted as to the feasibility of such a proceeding and is now considering whether this could be done.

I have, &c.
H. W. KENNARD.

[49855] No. 170.

Mr. Kennard to Sir Edward Grey.—(*Received November* 23.)

(No. 279.) *Tangier, November* 16, 1912.

Sir,

WITH reference to my despatch No. 260 of the 12th ultimo, I have the honour to report that, in spite of the fact that one of the first steps taken by Sir Reginald Lister on his return from leave of absence was to make it clearly understood that the Tangier waterworks project in its present form was quite unacceptable to His Majesty's Government, the officials of the Comité spécial des Travaux publics called a meeting of the comité, which took place to-day, to consider the scheme. Though much preoccupied by other matters, I fortunately had time to speak to the German and Dutch Ministers, who both have representatives on the comité, and found that they were fully prepared to oppose the scheme in its present form. We have further gained an accession of strength in M. van Winextenhoven, the new Belgian chargé d'affaires, who is an "ingénieur des Ponts et des Chaussées" and is also an *ex officio* member of the Comité spécial. I gather from his account of the meeting that he was able to adduce irrefutable technical arguments against M. Porché's able *exposé* of the merits of the scheme. At any rate, it has been decided not to approve the scheme at present, but to submit it to the corps diplomatic for their consideration.

I have the honour to transmit herewith a copy of the voluminous "cahier des charges,"* consisting of some 400 pages, and so detailed as to render it difficult

* Not printed.

to imagine how M. Porché can have compiled it without the assistance of some technical expert, who has either supervised or held a contract for similar work elsewhere. I have not had time to examine these documents carefully, but the main point will be found in the convention and M. Porché's report on the scheme. The first five words of article 1 of the convention, "La ville de Tangier donne," seems sufficiently to indicate the impracticability of the scheme as it now stands. It would be interesting to know what authority here at present has the power to give such a concession. The concession of the waterworks, electric power, tramways, electric lighting and gas is to be given after a "marché de gré à gré après concours" to some individual who is to form a company which will in effect control all the municipal services of the town. What amounts to a code of municipal regulations for such services is attached to the concession, and one can hardly imagine a more effective manner of giving predominance to the nationality of the individual or the company which might obtain the concession. The extremely indecorous manner in which it has been attempted to force the scheme through cannot but give rise to the suspicion that something more than the individual interests of Tangier are at stake.

There is no doubt that an efficient system of water supply is urgently required, and perhaps the most economical manner of obtaining it and similar services would be that suggested by M. Porché; but as political and other considerations render it absolutely undesirable to put through such a scheme in its present form at the present moment, it remains to be considered whether some satisfactory solution of the crying need for water supply cannot be found.

I have discussed the matter with Ali Zaky Bey and my German, Dutch, Spanish, and Belgian colleagues, who all oppose the existing project, and it appears that they will be ready to discuss a scheme for waterworks alone, which would not constitute a concession, but would be submitted to adjudication in the ordinary manner. I gather that the cost of such work would amount to 1,500,000 fr., and Ali Zaky suggested that this sum might be supplied from the present surplus in the "Caisse spéciale," as the waterworks had already been approved by the comité in 1910. I do not know whether this could be done; 1,200,000 fr. have already been ear-marked for the Tangier road scheme, and it seems doubtful whether the Makhzen, *i.e.*, the French authorities at Rabat, would approve the grant of 3,000,000 fr. to Tangier alone out of the present surplus of 5,000,000 fr., more especially as Tangier has already received considerably more than her share from the funds in the "caisse."

I propose, at any rate, with your approval, to consider favourably any project on these lines, as the annual revenues from the water supply will make it improbable that the scheme will prove a very heavy burden on the municipality. I should be grateful for a telegraphic expression of your views for my guidance in any discussion on the question.

I have, &c.
H. W. KENNARD.

[49856] No. 171.

Mr. Kennard to Sir Edward Grey.—(*Received November* 23.)

(No. 280.)

Tangier, November 15, 1912.

Sir,

I HAVE the honour to transmit herewith copy of a circular which has been addressed by the doyen of the corps diplomatique to the "chef de mission" regarding a scheme which has been submitted to the Sanitary Council by the "Commission d'Hygiène et de Voirie" for the creation of a municipal police at Tangier.

Before examining the merits of this scheme it seems desirable to indicate the forces which at present fulfil the duties of municipal police in this town. They are as follows:—

1. The urban native police tabor, under Spanish military instructors.
2. The extra-urban native police tabor, under French military instructors.
3. The sanitary police employed by the "Commission d'Hygiène."
4. The basha's "soldiers."
5. The police of the Spanish and French consulates.
6. Certain guards outside shops and warehouses at the expense of the proprietors.
7. The contraband guards of the Tobacco Monopoly.

None of these bodies can be said to satisfactorily fulfil the duties of a municipal police. The first two are purely military organisations, which distribute posts in different parts of the town and patrol certain quarters. They are merely native soldiers with no individual intelligence or experience of police work, and drunkenness is so prevalent amongst them now that they seem more a menace than a guarantee for protection.

The mounted men of the French police who patrol the outlying districts no doubt do useful work. It must be remembered that there is liable to be constant friction between the forces controlled by French and Spanish officers, who are amongst the first to admit how unsuited they are for the present requirements of Tangier, so much so that some of the best officers have already left Tangier, including Commandant Toulat, who commanded the French police.

3. The sanitary police, employed by the "Commission d'Hygiène," consist of a natives controlled by European inspectors, amongst whom is a British subject. Their duties are confined to the superintendence of street cleaning, a market, and other sanitary work.

4. The basha's soldiers are merely servants of the governor, who, on his instructions, effect the arrest of native offenders. The governor's record, which has already been reported on, throws sufficient light on the inefficiency of his servants to render it unnecessary to touch upon it.

5. The Spanish police attached to the Spanish consulate is of some use in keeping order amongst the large Spanish colony here, but consists only of some eight men; while the French form practically a small criminal investigation department under M. Bourgès, a very capable man.

6. These are only night watchmen employed by private individuals.

7. The Tobacco Monopoly employs certain European and native guards, who are solely occupied in preventing the smuggling of tobacco.

It will be seen that this heterogeneous miscellany of forces, while well suited for certain purposes, can in no way adequately meet the requirements of the town, where, I regret to say, crime is undoubtedly on the increase, and where, on the one hand, one has a large native population, a Spanish colony of 10,000 recruited from the worst classes, the other European colonies, whose morality is not of a very high order; and, on the other hand, a large outlying district marching with a country inhabited by turbulent tribes somewhat given to unrest.

There is no doubt that an efficient municipal police force is urgently required, but the present appears hardly the moment for considering the establishment of a permanent body to replace the existing system. Ali Zaky Bey, who is responsible for the drafting of the scheme now under consideration, assures me that it is purely a provisional one, and only utilises the bodies now existent more efficiently. He proposes the engagement of one or two inspectors, who could be dismissed by the future municipality, and he has suggested Mr. Roghé, a British subject, as the chief inspector. Mr. Roghé would no doubt be a satisfactory appointment, as he has served in the British army, was a police official in Alexandria and served as marshall in His Majesty's consulate-general here. He speaks French, Spanish, and Arabic, which are essential here.

I would suggest therefore that perhaps the present scheme might be approved on the understanding that—

1. It should be purely a provisional one;
2. That it should not provide for the engagement of additional employés, whom it would be difficult for the future municipality to get rid of; and
3. That is should not be under the control of the "Commission d'Hygiène," but under that of the diplomatic body.

Great discretion will have to be exercised in the arrest of Europeans, as the apprehension of French subjects by Spanish officials, or *vice versâ*, for instance would cause considerable friction. There is no doubt that it would have been preferable to have postponed the organisation of any local police until later, but it must be remembered that there has lately been a considerable increase in crime here, which is not likely to diminish, as undesirable foreigners continue to arrive here from other countries.

I have stated in my annotation on M. de Rappard's circular that I am requesting instructions from my Government, and I should be grateful if I might perhaps be furnished with your views on the subject by telegraph.

It seems perhaps desirable that this question should be carefully considered in the

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present negotiations for the internationalisation of Tangier. The present police forces are unsatisfactory except for patrolling the outlying districts, and their upkeep is quite unnecessarily expensive. A proper municipal and civil police, perhaps recruited from some neutral European country, is essential here now, and will become daily more so.

I have, &c.

H. W. KENNARD.

Enclosure 1 in No. 171.

M. de Pretis to Doyen of Diplomatic Body.

M. le Doyen, *Tanger, le 7 novembre*, 1912.

LA Commission d'Hygiène et de Voirie vient de m'adresser, pour être soumis au Conseil sanitaire, un projet de création d'une police municipale à Tanger.

La question soulevée par la Commission d'Hygiène me semblant être du ressort du corps diplomatique, j'ai l'honneur de vous faire parvenir ci-joint la lettre que j'ai reçue de cette corporation.

Veuillez, &c.

A. DE PRETIS.

Enclosure 2 in No. 171.

M. de Rappard to Foreign Representatives in Morocco.

MM. et chers Collègues, *Tanger, le 8 novembre*, 1912.

LA Commission d'Hygiène ayant présenté au Conseil sanitaire, dont elle émane, un projet de création d'une police municipale à Tanger, le président du Conseil sanitaire a estimé que cette question était plutôt du ressort du corps diplomatique et m'a, par conséquent, soumis, par la lettre ci-jointe du 7 courant, le projet sous-visé, qui, avec son annexe, accompagne également cette circulaire.

Personnellement, je suis d'avis que ce projet mérite toute notre attention. En effet, il est possible que l'organisation de l'internationalisation de Tanger prendra encore quelque temps, et il serait opportun que, en attendant, on fasse quelque chose en faveur de la sécurité dans la ville, qui laisse, paraît-il, beaucoup à désirer.

D'autre part, je trouve qu'avant tout nous devons nous rendre compte qu'il ne peut s'agir dans le projet qui nous est soumis d'une réglementation définitive de l'institution de la police urbaine. Il ne peut être question de la création d'une police municipale, mais seulement de l'élaboration de quelques mesures provisoires qui pourraient être prises en attendant que le conseil municipal, dont sera doté Tanger après l'accord des Puissances signataires de l'Acte d'Algésiras, réglera lui-même définitivement la question si importante de l'institution de la police dans la ville internationalisée et dans ses banlieues. Il doit être bien entendu, d'après moi, que la municipalité future devra rester entièrement libre à organiser sa police comme bon lui semblera, qu'elle n'aura aucune obligation, même morale, à maintenir, par exemple, les fonctionnaires qui dès maintenant pourraient être appelés à remplir les fonctions provisoires, telles qu'elles sont formulées dans le projet de la Commission d'Hygiène—en un mot, que les autorités municipales futures et définitives n'auront jamais à se croire liées par les antécédents que le projet provisoire actuel semblerait pouvoir créer.

Sous cette réserve je serais disposé, pour ma part, à examiner avec bienveillance le projet de la Commission d'Hygiène, si vous le jugerez utile, dans une séance du corps diplomatique que je pourrais convoquer à cet effet.

Je vous serais reconnaissant, si vous voudriez bien me faire connaître vos vues concernant cette question.

Veuillez, &c.

DE RAPPARD.

Je crois devoir demander des instructions de mon Gouvernement.

VILLASINDA.

Je demande également des instructions.

H. MARTIN.

Moi de même.

S. DE LIKATSCHEF.

Enclosure 3 in No. 171.

M. Potous to M. de Pretis.

Tanger, le 6 novembre, 1912.

M. le Président,

LA Commission d'Hygiène et de Voirie devait se préoccuper d'assurer à la ville de Tanger cette sécurité indispensable des personnes et des biens, sans laquelle toutes les améliorations aux conditions générales de l'existence et du progrès demeuraient insuffisantes, presque vaines, en tout cas prématurées.

Le développement de la fortune publique aux manifestations, d'ailleurs de plus en plus apparentes, en même temps que l'accroissement d'une population dont les éléments plus nombreux et plus divers ne permettaient plus aussi facilement la surveillance, en quelque sorte individuelle de chacun sur son voisinage, et obligeaient à recourir à l'institution d'un organe de vigilance urbaine, qui procure aux citoyens la garantie morale et le renfort matériel d'un secours efficace et prompt contre les crimes ou délits possibles.

Depuis quelque temps surtout, la multiplication de ces crimes ou délits devenait de plus en plus une cause d'inquiétude pressante.

La Commission d'Hygiène et de Voirie placée par ses origines et sa destination au centre de l'opinion qui nous renseigne, et provoque par conséquent notre sollicitude, ne pouvait négliger la recherche, l'étude et la formule de moyens susceptibles d'atténuer le mal par des mesures qu'il nous appartenait d'ailleurs de proposer et d'appliquer avec une intention beaucoup plus préventive que répressive.

L'autorité répressive en effet nous échappe, elle est exclusivement dévolue aux consuls à l'égard de leurs nationaux et au Makhzen entre les indigènes.

Au surplus, elle est assurée par le sentiment de droit, et la conscience du devoir, dans les pouvoirs publiques n'ont certes pas attendu que nous leur apprenions les termes.

Mais avant que le malfaiteur soit déféré au juge qui le frappera, il importe évidemment qu'il soit arrêté, ou mieux encore que la crainte d'une répression à laquelle il ne pourrait échapper le retienne sur le seuil d'une imminente infraction.

Il faut donc une police qui puisse constater le délit, s'emparer du coupable, et par conséquent le retenir à l'heure de la tentation par la crainte d'une surveilance et la menace d'une arrestation.

Cette police accomplissant un acte de pur et simple défense, n'a besoin d'aucune autre justification que le souci d'une protection légitime pour tous, comme il est légitime pour chacun.

Elle se trouvera suffisamment et pleinement investie par la délégation en quelque sorte expresse que tous les citoyens par l'organe de la Commission d'Hygiène lui feront de leur droit naturel à la vie et à la propriété, qui impliquent le droit de protéger l'une et l'autre.

Elle devrait d'ailleurs limiter son action au seul cas de flagrant délit, c'est-à-dire à la réaction immédiate qui se justifie d'elle-même, lorsque la victime ou son préposé agissent à l'instant de l'agression.

Elle interviendra au moment ou le délinquent étant lui-même sorti de la loi ; il n'est plus aucune loi, ni moins encore la faveur d'une immunité qui l'abrite et qu'il puisse invoquer pour s'évader.

Ainsi définie, la police urbaine apparaît possible, sans exposer celui qui l'exerce à méconnaître les règles imprescriptibles qui réservent le domaine inviolable de chaque juridiction respective.

Cette police aurait le seul pouvoir de constatation et d'arrestation immédiate.

Elle ne contredirait aucune des autorités locales, ni consulaires, ni chérifiennes, auxquelles, au contraire, elle fournirait l'occasion de s'appliquer un règlement organique ; déterminerait exactement cette compétence qui cesserait aussitôt que (le crime étant commis et le malfaiteur disparu) l'ordre actuel a cessé d'être troublé, pour ne plus souffrir que d'une blessure déjà ancienne. Elle ne servirait que pour le recours urgent.

Sans rechercher dans quelle mesure, le devoir d'assurer l'ordre publique, qui entraîna en de multiples circonstances générales ou particulières, la responsabilité politique ou pécuniaire du Makhzen, l'autoriserait le souverain local à instituer lui-même et à investir, une police armée de pouvoirs suffisants contre le fauteur quelconque de troubles ; il semble que la Convention d'Algésiras ait délégué à cette égard au corps diplomatique, assister de la délégation chérifienne, le droit qui serait ainsi devenu absolu et indiscutable d'organiser et de maudater, le corps chargé (suivant les articles 7

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et 8 de la convention) de garantir d'une manière efficace la sécurité des personnes et des biens, des ressortissants et Tanger, et même celle de transactions commerciales.

Il est spécifié, il est vrai, que cette garantie doit s'exercer conformément aux traités; mais les traités ne réservent expressément que le seul pouvoir juridictionnel et répressif des consuls.

Ils n'ont donc pu refuser aux autorités locales le droit et le moyen de faciliter cette juridiction, en lui fournissant les preuves et l'auteur du délit auquel son consul aurait à l'appliquer.

Au cours de la dernière séance qui fut consacrée le 6 juin, 1907, par le corps diplomatique et la délégation chérifienne, au Règlement sur la Police, le corps diplomatique voulut bien prendre en considération le désir exprimé par le Ministre chérifien de la Guerre, et reconnaître implicitement sa propre compétence pour déterminer les conditions suivant lesquelles, en cas de délit, Européens pouvaient être arrêtés et conduit à leurs consuls.

Cette compétence nous autorise à solliciter qu'elle s'applique, puisque aujourd'hui les circonstances deviennent pressantes, à cette réglementation dont les convenances et les nécessités ne sont plus discutables et dont la possibilité légale ne pourrait, d'autre part, se discuter.

A cet égard, la Commission d'Hygiène et de Voirie peut suggérer certaines précisions. Les agents auraient le droit de constater le délit; leur témoignage serait donc admis en justice avec la force probante résultant de telles garanties morales à imposer préalablement: notamment, l'assermentation devant chaque consulat, et sous la réserve de conditions de chaque loi nationale, suivant lesquelles sont administrées, reçues et admises les preuves en justice.

Ils auraient également le droit d'arrêter le délinquant, sous la réserve de borner leur action à la seule mainmise sur sa personne, afin qu'il soit présenté immédiatement après son arrestation à l'autorité juridictionnelle de laquelle il dépend, et qu'il restera seul compétent pour maintenir l'arrestation; et ensuite la procédure d'après les termes mêmes de sa propre législation.

Pour assurer ce service, la ville pourrait être divisée en huit îlots.

État numérique du Personnel de la Police municipale.

Permanence—
- Un inspecteur.
- Un secrétaire.
- Deux plantons à la permanence.

Brigade No. 1—
- Un gradé.
- Huit agents.

Brigade No. 2—
- Un gradé.
- Huit agents.

Brigade No. 3—
- Un gradé.
- Huit agents.

Brigade No. 4—
- Un gradé.
- Huit agents.

Brigade des Recherches—
- Un gradé.
- Trois agents.

Marchés—
- Deux agents.

(Totaux: gradés, 6; agents, 40.)

Il resterait à examiner les moyens financiers de cette institution. Ils sont de deux sortes: la police pourrait être affectée, tout d'abord, aux fonds qui servent actuellement

à la rétribution de notre service d'inspection, pour l'observation des seuls règlements d'hygiène et de voirie.

De ce chef la commission emploie une somme de 16,469 fr., qui représentent certainement un effort hors de proportion avec le besoin d'ordre très secondaire et la préoccupation très limitée à la satisfaction desquels il est destiné.

D'autre part, le besoin d'une police plus effective a déjà dans une certaine mesure créé l'organe, certainement imparfait, mais dont quelques éléments sont utilisables, pour la sécurité des passants, des magasins et des habitations. Les citadins acceptent en effet de contribuer volontairement à l'entretien d'un corps de surveillance, et ses souscriptions, qui atteignirent jusqu'à 2,500 fr. par mois, s'élèvent encore à 1,100, malgré l'indigence très évidente des résultats obtenus.

Il est permis d'escompter une plus-value considérable de ces recettes lorsque l'intervention de la Commission d'Hygiène apportera aux souscripteurs la certitude d'un emploi mieux adapté, d'un contrôle et d'une autorité qui manquent à l'organe rudimentaire d'aujourd'hui.

Ainsi la solution serait-elle obtenue d'un problème qui se pose tous les jours en devenant de plus en plus impératif.

L'institution d'une police urbaine satisfait aux plus légitimes intérêts, elle ne contredit aucun principe, ni la lettre rigoureuse d'aucune convention. Elle est à la fois légalement et pratiquement réalisable; sa dotation, d'autre part, ne surchargerait pas nos finances au delà des disponibilités déjà sûres ou très probables.

Il ne pourrait d'ailleurs s'agir que d'une organisation très provisoire, permettant simplement d'étendre celle plus complète que la municipalité aura charge et pouvoir d'entreprendre d'après les statuts qui doivent lui être communiqué.

En outre, cette organisation provisoire n'est pas, à proprement parler une, innovation: nous devons la considérer purement et simplement comme une tentative pour utiliser mieux des services déjà existants et leur assurer plus efficacité.

En sollicitant de l'honorable Conseil sanitaire qu'il veuille bien apprécier l'opportunité de la solution proposée, qui n'entraîne aucune dépense et n'enfreint aucun principe, nous offrons encore toutes explications et détails pour l'application de mesures dont la définition pourrait nous être confiée.

La Commission d'Hygiène et de Voirie ajouterait ainsi à l'édifice d'une cité qu'il faut organiser plus solide et plus confortable pour la satisfaction de chacun et le progrès de tous.

Inclus vous voudriez bien trouver le rapport qui a été présenté au sein de notre Commission d'Hygiène et de Voirie par Si Ali Zaki, et j'espère qu'il vous sera facile d'y puiser toutes indications utiles concernant cette création d'une police municipale à Tanger.

Veuillez, &c.
Le Président,
JUAN POTOUS.

[50257] No. 172.

Sir M. de Bunsen to Sir Edward Grey.—(Received November 25.)

(No. 113.)
(Telegraphic.) R. *Madrid, November 25, 1912.*

MY telegram No. 112 of 21st November.

Signature of Morocco Treaty has been again delayed by the French demand that one or two doubtful points should be cleared up by an exchange of notes. Discussion is proceeding between the two Governments on the subject. I have also been informed this morning by the German Ambassador that his Government have instructed him to make the two following observations on the text as communicated at Berlin:—

1. In paragraph 5 of article 17 it is provided that after the expiration of tobacco monopoly in 1933 each zone will resume freedom as to taxation of tobacco. German Government think that this provision is inconsistent with the principle of the economic unity of Morocco which underlies the Franco-German treaty of 1911.

2. Article 2 of the annexed protocol concerning Tangier–Fez Railway provides for concession of this line to a single company. German Government point out that, as regards construction of line, it will be necessary to proceed by adjudication, as required by article 6 of the Franco-German treaty.

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German Ambassador will make a communication to-day to Spanish Government in above sense. He understands that similar action is being taken by German Ambassador in Paris.

(Sent to Paris.)

[50357] No. 173.

Sir F. Bertie to Sir Edward Grey.—(*Received November* 26.)

(No. 494.)

Sir, *Paris, November* 23, 1912.

AT an interview which I had with the Minister for Foreign Affairs yesterday, I observed to his Excellency that London and Paris were not at all agreed in the question of Tangier, and I had instructions to communicate to him a long memorandum on the subject, which I handed to his Excellency. With the memorandum I had received a despatch which I should like to read to him unless he would prefer to read it himself. M. Poincaré preferred to read it. The copy which I gave to his Excellency for that purpose was not the exact text of your despatch, No. 557 of the 18th instant, for, availing myself of the liberty given to me in the last paragraph of it in regard to the manner of approaching M. Poincaré on the subject of Tangier, I made some alterations which, while in no way detracting from the statements of facts, would, I thought, be more sparing of his susceptibilities as the Minister responsible for, though not perhaps cognizant of, all the proceedings and claims of his department. I have the honour to transmit to you herewith a copy of the despatch such as I gave it to M. Poincaré for perusal.*

In the course of the conversation which I had with M. Poincaré whilst he was reading the despatch and afterwards, I said that I quite understood that his Excellency being President of the Council as well as Minister for Foreign Affairs, with many home questions under discussion in Parliament as well as a crisis in the East to add to his heavy work, it was impossible for him to be fully acquainted with all the details of the discussions concerning the internationalisation of Tangier. It was most regrettable that M. Guiot had been withdrawn from the discussions with the British and Spanish delegates and that the meetings had consequently been suspended. His Majesty's Government trusted that M. Poincaré would, after considering the arguments in your despatch, consent to a renewal of the meetings at Madrid, for you thought that the result might be a satisfactory settlement of the question at issue.

His Excellency admitted that the work which the combined office of President of the Council and Minister for Foreign Affairs entailed was at the present time almost overwhelming. He had not been able to give minute attention to every detail of the the Tangier municipality question. He had no objection in principle to a renewal of the meetings of the delegates, but he was afraid that a discussion with Spain, judging from recent experiences, would not promise a speedy conclusion. He would, however, consider the matter and give me a reply.

I have, &c.

FRANCIS BERTIE.

[50514] No. 174.

Sir F. Bertie to Sir Edward Grey.—(*Received November* 27.)

(No. 496.)

Sir, *Paris, November* 26, 1912.

I HAVE the honour to inform you that I spoke to M. Poincaré this afternoon on the subject of the observations which, as I learnt from Sir Maurice de Bunsen's telegram to you, No. 112 of yesterday's date, which was repeated to me direct from Madrid, the German Ambassador had been instructed by his Government to make to the Spanish Government respecting the text of the draft Franco-Spanish Treaty concerning Morocco.

With regard to the objection made to the provision that after the expiration of the tobacco monopoly in 1933 each zone was to resume freedom as to the taxation of tobacco, on the score of its being inconsistent with the principle of the economic unity

* Not printed.

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[49855] No. 175*.

Sir Edward Grey to Mr. Kennard.

(No. 51.)
(Telegraphic.) *Foreign Office, November* 29, 1912.

YOUR despatch No. 279.

His Majesty's Government remain of opinion that the grant of all these concessions must be deferred till the institution of the municipality. You are authorised to inform your colleagues officially to that effect, and you should use every effort to secure their concurrence. Despatch follows.

underlying the Franco-German Treaty of 1911, M. Poincaré said that there was no question of unity but only of equality of all nations in Morocco.

As regards the observation made by the German Government that it was necessary to proceed by adjudication in the matter of the construction of the Tangier–Fez railway, M. Poincaré said that the Company which was to construct the line would have to ask for tenders, and that therefore the principle of adjudication would not be infringed.

I have, &c.
FRANCIS BERTIE.

[49856] No. 175.

Sir Edward Grey to Mr. Kennard.

(No. 151.)
Sir, *Foreign Office, November* 28, 1912.

WITH reference to your despatch No. 280 of the 16th instant, I have to-day addressed to you my telegram No. 50, authorising you to agree to the circular in which the Netherlands Minister suggests, that the diplomatic body should examine the scheme of the "Commission d'Hygiène" for the creation of a municipal police force at Tangier.

I entirely concur in your recommendation that it should be clearly understood that the scheme is purely a provisional one, that it will not provide for the engagement of additional employés and that the force will be under the control of the diplomatic body and not of the "Commission d'Hygiène." It is essential not to bind the hands of the future municipality in any way, and the men engaged in whatever capacity will have no claim against that body, who will be free to dimiss them after reasonable notice or to modify the terms of service without payment of any indemnity. Subject to these conditions the immediate constitution of a police force would, I think, be of advantage to the future municipality, as the experience gained will be of assistance when the moment arrives to draw up a scheme for the constitution of a municipal force.

As regards the actual scheme put forward by the commission, it is difficult to form a definite opinion without further details and explanations. The matter will no doubt be thoroughly discussed by the diplomatic body, but I may observe that a force of only forty-six men seems at first sight scarcely adequate to discharge efficiently all the duties to be entrusted to it, whilst the cost will exceed the estimated savings and receipts and thus form an extra charge on the budget of the "Commission d'Hygiène." It appears that the number of men are to be reduced by one-half, while the cost will be more than double, but I presume it is proposed to employ a better class of man, which will entail a higher rate of pay.

I shall be glad to learn the result of the discussion of the scheme by the diplomatic body.

I am, &c.
E. GREY.

[51199] No. 176.

Mr. Kennard to Sir Edward Grey.—(Received November 30.)

(No. 110.)
(Telegraphic.) R. *Tangier, November* 30, 1912.

YOUR telegram No. 51 : Tangier waterworks.

Present proposal is, as stated in my despatch No. 279, to consider waterworks alone and not as a concession, but with ordinary adjudication and construction by loan on "Caisse spéciale," which would be refunded by exploitation later.

Am I to understand you would object to this scheme being approved now ? I should be grateful for early reply, as I must annotate circular on the subject before Tuesday next.

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[51199]

No. 177.

Sir Edward Grey to Mr. Kennard.

(No. 52.)
(Telegraphic.)

Foreign Office, December 2, 1912.

YOUR telegram No. 110 of 30th November: Tangier waterworks.

His Majesty's Government have from the outset very strongly deprecated any schemes which would engage the slender resources of the municipality in advance, and create private vested interests which must either be bought out at great cost or remain in control of public services, thereby stultifying *ab initio* the existence of the municipality and the internationalisation of Tangier.

On general principle, therefore, His Majesty's Government would be averse to contract for waterworks being granted before institution of municipality, unless funds were provided by "Caisse spéciale" as a free contribution, not liable to repayment. It is, however, clear that this is not contemplated.

On the other hand, we do recognise that it would be advantageous to combine waterworks, tramways, electric power and light in one concession, as such a combination would be likely to work more economically and could therefore be arranged on terms more favourable to the municipality.

His Majesty's Government are therefore themselves opposed to separate grant of waterworks concession now, unless "Caisse spéciale" grant funds unconditionally, but should the general opinion of your colleagues be favourable to the scheme, our view might be reconsidered, especially if the terms of the loan from the "Caisse spéciale" appear to be reasonable.

[49851]

No. 178.

Sir Edward Grey to Mr. Kennard.

(No. 155.)
Sir,

Foreign Office, December 2, 1912.

I HAVE received your despatch No. 275 of the 16th ultimo, reporting that the scheme for roads at Tangier has been approved by the diplomatic body and has been referred to the Makhzen, and enclosing a statement of the revenue and expenditure of the "Caisse spéciale" to the end of 1912.

The large discrepancy between the revenue and the expenditure from the "Caisse spéciale" at Tangier is chiefly due, it would appear, to the sums advanced to the "Taxe urbaine," but the statement does not show to what purpose these advances have been applied. Possibly some portion of the advance of 410,184 fr. 61 c. made this year is on account of the road scheme, and the lazaretto works may also have been included. In the latter case a protest should be made, as the expenses of the lazaretto should clearly be charged to the general fund, and not to Tangier alone. I should be glad if you would endeavour to obtain from Ali Zaky a statement showing to what purpose both the grants for public works and the advances to the "Taxe urbaine" at Tangier have been applied.

You will have seen from the memoranda exchanged between His Majesty's Government and the French Government, that the latter have agreed to the future municipality retaining all the surtax collected at Tangier; but no allusion has been made to any method of dividing the funds actually in the "Caisse spéciale" at the moment when the municipality and the protectorates are constituted, or of settling the accounts. A simple solution and one certainly advantageous to Tangier, might be to treat all the advances made to the "Taxe urbaine" as part of the legitimate expenditure of the "caisse." The funds actually in hand could be divided *pro ratâ* among the three zones. It could be urged that these advances have been applied to Government purposes, even though such purposes are not strictly within the terms of article 66 of the Algeciras Act. If this solution were adopted, the sums owing by the "Taxe urbaine" to the "caisse' at Tangier would merely be a book debt.

I understood, when authorising Sir R. Lister to agree to the road scheme, that the necessary amounts provided from the "Caisse spéciale" would be made available for Tangier without encumbrance and would in no way pledge the future municipality. If, however, these sums are regarded as loans to the "Taxe urbaine" to be subsequently repaid with compound interest the future resources of the municipality have been

seriously impaired and the object with which His Majesty's Government originally refused their consent to the scheme has been frustrated.

I should be glad of an explanation on this point, as well as an expression of your views on the solution suggested above.

I am, &c.
E. GREY.

[49855]

No. 179.

Sir Edward Grey to Mr. Kennard.

(No. 156.)
Sir,

Foreign Office, December 4, 1912.

WITH reference to your despatch No. 279 of the 16th ultimo, I addressed to you on the 29th ultimo my telegram authorising you to inform your colleagues that His Majesty's Government remain of opinion that the grant of the concession for waterworks, electric power, &c., at Tangier must be deferred until the institution of the municipality. You are aware from previous correspondence of the reasons for which His Majesty's Government hold this view, and I request that you will use every effort to secure the rejection of the scheme now put forward by M. Porché. I am glad to hear that the German, Dutch, and Belgian representatives are opposed to the scheme, and the Spanish Government, as stated in my despatch No. 150 of the 20th ultimo, are also of the same opinion. I trust, therefore, that your united efforts will be successful.

With regard to the suggestion that a scheme for waterworks alone should be put forward and submitted to adjudication in the ordinary manner, the necessary funds being supplied from the "Caisse spéciale," I have explained my views in my telegram No. 52 of the 30th ultimo. If the money could be obtained from the "caisse" as a free contribution it would naturally be entirely to the advantage of Tangier to adopt the scheme; but even in the unlikely event of the Makhzen sanctioning the grant it is clear from your telegram No. 110 that it would be regarded as an advance to be repaid subsequently with interest by the municipality. Moreover, I am in favour of uniting the waterworks, tramway, and electric power and light in one large concession. It will be necessary to establish an electric power station to pump the water to Tangier from the springs, and naturally much better terms would be offered for the concession if the power could be utilised for tramways and light as well.

I have not considered it necessary to examine very closely the details of the "cahier des charges," but I may observe that one of the principal arguments put forward by the supporters of the scheme has been that Tangier should take advantage of the sum allocated by the "Caisse spéciale" for preliminary works executed at the springs, before the proceeds of the "caisse" are divided up between the three zones. This argument is completely disposed of by the fact that the "cahier des charges" contemplates a refund of this expenditure, both capital and compound interest thereon, to the "caisse."

I am instructing His Majesty's Ambassador in Paris to take an opportunity of expressing to the French Minister for Foreign Affairs the disappointment of His Majesty's Government that the scheme should again have been put forward in direct opposition to their views as stated in my note to M. Cambon of the 14th October last.

I am, &c.
E. GREY.

[49465]

No. 180.

*Sir Edward Grey to Mr. Carnegie.**

(No. 584.)
Sir,

Foreign Office, December 5, 1912.

I HAVE received from the French Ambassador in London a copy of the recently concluded Franco-Spanish convention and protocol relative to Morocco, and I request that you will convey my best thanks to the Minister for Foreign Affairs for this communication.

His Majesty's Government are carefully examining the provisions of the convention and protocol, but there is one point which at the outset does not appear to them clear,

* Also to Sir M. de Bunsen (No. 126), *mutatis mutandis*.

namely, the exact arrangements contemplated as regards adjudication in the case of the Tangier–Fez Railway.

By article 1 of the protocol the concession for the construction as well as the exploitation of the railway is to be definitely granted to the proposed Franco-Spanish company, but article 7 provides that the projects for the line shall be submitted to adjudication according to the existing rules, the adjudication being conducted and the contract awarded for each section by the authority from whom the concession emanated, namely, the Sultan as regards the French zone, the khalifa as regards the Spanish zone, and the Tangier authorities as regards the international zone. There would seem to be a contradiction in these two articles, since, if the concession for the construction of the line has already been granted to the Franco-Spanish company, it cannot subsequently be granted as a result of adjudication. If, on the other hand, notwithstanding the provision of article 1 of the protocol, the contract for the construction is to be awarded by adjudication, the exact position of the Franco-Spanish company remains obscure. Is it proposed that the company shall be the authority calling for tenders? And, if so, will the company be free to submit tenders itself in response to its own call? It is obvious that in this event the company, having themselves drawn up the plans, &c., would be in so advantageous a position as compared to other tenderers that it would be practically almost certain to obtain the contract.

I am somewhat surprised to observe that the adjudication contemplated in article 7 is to be conducted by the authorities of the three zones and not by the "Commission générale des Adjudications et Marchés," since article 6 of the Franco-German convention, 1911, lays down that contracts for railways, &c., shall be awarded by the Moorish Government according to the rules of adjudication, that is, through the "Commission générale"; and the same instrument provides for the maintenance of the "Commission générale" in that it stipulates that the post of delegate of the State Bank on that body shall be conferred in turn on members of the board of the bank at Tangier. If the "Commission générale" is to be superseded, these provisions would seem to have no object.

I should be glad if you would endeavour to obtain from the Minister for Foreign Affairs an explanation of the points raised above. I am, however, anxious to avoid anything that could give the impression that His Majesty's Government wished to create difficulties for the French and Spanish Governments.

A similar despatch is being addressed to His Majesty's Ambassador at Madrid.

I am, &c.
E. GREY.

[52031] No. 181.

Sir E. Goschen to Sir Edward Grey.—(Received December 6.)

(No. 502.)

Sir, *Berlin, December 4, 1912.*

IN reply to a question put by one of the speakers in the debate on foreign affairs in the Reichstag on the 2nd instant, the Under-Secretary of State for the Foreign Office made a statement yesterday relative to the Franco-Spanish treaty in regard to Morocco. He said that he could reply in the negative to this question, which was whether German interests were adversely affected by that treaty. The two Governments had already communicated the treaty confidentially to the German Government, and had thus placed the latter in a position to examine its provisions and to discuss any points which might seem to them to be open to objection from their point of view. This examination had been made and had shown that the treaty was entirely consistent with the Franco-German agreement of the 4th November, 1911, and that in particular it maintained the principle of economic equality in Morocco and of the economic unity of the whole country.

The treaty had given rise to objections on only two points which were in themselves unimportant, and which were practically only the result of a somewhat vague wording of the text. These objections had been mentioned in Paris and Madrid, and the German Government had already received binding assurances on one of the points from both Governments which removed their objections and gave them complete satisfaction. Discussions were still proceeding in regard to the other point. In view of the confidential character of the Franco-Spanish communications and of the fact

that the exchange of views was still proceeding, he could of course give no further information in regard to this point, but he thought he was already in a position to express the assurance that this point too would be settled in a manner satisfactory to Germany.

I have, &c.
W. E. GOSCHEN.

[52201] No. 182.

Mr. Kennard to Sir Edward Grey.—(Received December 7.)

(No. 29.)

Sir, *Tangier, November 29, 1912.*

I HAVE the honour to transmit to you herewith copy of a despatch which I have received from His Majesty's consul at Casa Blanca regarding a decree which has been issued, imposing a servitude on all land comprised within a distance of 250 metres from and outside the fortifications of certain towns in the French zone. It will be observed that Fez, Mequinez, Marrakesh, and all the ports in the French zone are included amongst the fortified places enumerated in the decree. I have as yet received no other complaints, and Saffi appears to be the only town at present affected by these regulations. You will observe that the British firm of Messrs. Murdoch, Butler and Co. will incur considerable loss if affect is given to the provisions of the regulations.

While it is true that French subjects will suffer to an even greater extent under this decree, it would appear that its provisions are extremely arbitrary, more especially as article 3 precludes the probability of compensation being granted to those affected thereby.

I regret to say that the difficulties experienced by British subjects in *bonâ fide* sales and transfers of land in the French zone are increasing rather than diminishing. His Majesty's consul at Casa Blanca recently reported that the native authorities in the Shawia refused to sanction such transactions pending the issue of new regulations on the subject, which were being drawn up. On enquiry at the French Legation I was informed that these regulations would be enforced shortly, but in the meantime British subjects are being placed to great inconvenience.

Another case reported from Casa Blanca is one of a British subject who was informed that a deed of sale could not be drawn up unless an undertaking were furnished that, should the Makhzen desire the property, it could be expropriated at a price to be fixed by arbitrators. I am making representations to the Commissioner of Foreign Affairs on this case. His Majesty's consul at Fez has drawn my attention to another case in which a British subject wished to purchase a property from a British protégé. He was informed, however, by the French military authorities that the land in question might be required before long for military purposes, and that, therefore, it could not be sold. I have made a complaint on this case to the French chargé d'affaires, who has referred the matter to the residency-general at Rabat.

There is no doubt that the French military and civil authorities are being put to great inconvenience by the wholesale speculation in lands at all the large towns. The position has become so serious at Rabat, where all the properties necessary for the construction of Government offices, &c., for the residency-general are offered at absurdly high prices, that it is stated that the administrative centre is to be moved 2 or 3 kilom. inland, where more satisfactory purchases can be made. It is, however, unfair that the *bonâ fide* purchaser, who requires land for commercial and agricultural purposes, and the unscrupulous speculator should have to suffer alike.

At any rate, the action of the authorities at Saffi, and the military regulation on which it is based, appears to infringe treaty rights, and should, in my opinion, be vigorously protested against. I could make representations at the French legation here, but as they invariably profess ignorance of what is done by the residency-general in Rabat, it would seem more efficacious that the matter should be brought directly to the notice of the French Government. I should be glad to receive instructions as to any action which you may wish me to take here.

I have, &c.
H. W. KENNARD.

[52204] No. 183

Mr. Kennard to Sir Edward Grey.—(*Received December 7.*)

(No. 295.) *Tangier, November* 30, 1912.

Sir,

WITH reference to my despatch No. 275 of the 16th instant, I have the honour to report that I asked the President of the Comité spécial des Travaux publics a few days ago whether he had received any intimation from Rabat of the Makhzen's approval of the Tangier road scheme. Ali Zaky Bey stated that he had received a communication from the Makhzen which was not entirely satisfactory, as it did not definitely approve the project. When I told Ali Zaky that he must, of course, obtain a formal expression of approval before the execution of the works could be proceeded with, he assured me that he fully realised this. On the 23rd instant a meeting of the Comité spécial was held, at which Ali Zaky stated that the approval of the Makhzen had been given to the scheme.

On learning this I saw the doyen of the corps diplomatique, and suggested that it would be as well to ascertain definitely whether this was the case. M. de Rappard promised to speak to the president of the comité on the subject, and shortly afterwards told me that Ali Zaky had stated to him that, in submitting the scheme to the Makhzen, he had enquired whether they had any objections to the proposal, and that, as none had been made, he took their acknowledgment of his communication without comment as an indication of their approval. He had also seen General Lyautey, who, in the presence of the French chargé d'affaires, had assured him that the Makhzen approved the project. He was therefore of the opinion that one could consider it as definitely accepted.

It will be observed in the enclosure to my despatch No. 296 of to-day's date that M. Porché, who had been at Rabat just before Ali Zaky wrote to the Grand Vizier on the subject, was still unaware that the Makhzen had approved the roads scheme, and in his report on the waterworks project proposes that a loan of 3,000,000 fr. should be obtained for both the waterworks and the roads scheme. It will be remembered that this was M. Porché's original suggestion, and it was for this reason, and on account of the divergence of views between Ali Zaky and M. Porché as to the financing of the road project, that I insisted on a financial statement on the subject.

Ali Zaky, to whom I spoke on the subject yesterday, tells me that, in order to ensure that there should be no misunderstanding, he has seen the French chargé d'affaires, who has again assured him that the Makhzen have no objections to the scheme, and he has written to the Grand Vizier stating that the Comité spécial have been informed that the project has been approved by both the corps diplomatique and the Moorish Government, and that they have therefore decided to proceed with the construction of the roads in question. No reply has been received to this communication, but Ali Zaky has promised to let me know of any answer which may reach him.

In view of the assurances which have been given, and of the fact that the doyen of the corps diplomatique is satisfied with the attitude of the Makhzen, I do not propose to take any further action in the matter, although it would have been more satisfactory to receive a more formal expression of approval from Rabat. Ali Zaky, however, assures me that he and the Comité spécial will take full responsibility in the matter, and it hardly seems worth while raising the question again.

I have, &c.

H. W. KENNARD.

[52205] No. 184.

Mr. Kennard to Sir Edward Grey.—(*Received December 7.*)

(No. 296.) *Tangier, November* 30, 1912.

Sir,

I HAVE received your telegram No. 50 of yesterday's date, in which you authorise me to inform my colleagues officially that His Majesty's Government still consider that the grant of all the concessions for waterworks, electric power, tramways, electric lighting, and gas should be deferred until the establishment of the international municipality. The present proposal is, as I reported in my despatch No. 279 of the 16th instant, to consider a scheme for waterworks alone, which would not constitute a concession, but would be submitted to adjudication in the ordinary manner. I therefore

thought it necessary to enquire in my telegram No. 110 of to-day's date whether you would object to a project on these lines being approved now.

I have this morning received a circular from the doyen of the corps diplomatique, copy of which is enclosed herewith,* forwarding a letter from the president of the "Comité spécial des Travaux publics" on the subject. You will observe that M. de Rappard considers that the only solution of the present difficulty could be found in the procedure proposed in paragraph No. 8 *b.*, p. 2, of the report of the State engineer, enclosed in Ali Zaki Bey's letter. Under this alternative the waterworks would be constructed by the Public Works Department on a loan guaranteed on Tangier's share of the funds of the "Caisse spéciale." The works could, on their completion, be handed over to the municipality, who could either exploit them or farm them out. M. Porché, on p. 5 of his report, suggests a loan of 3,000,000 fr. for the waterworks and the roads scheme, but, as Ali Zaky points out in his covering letter, the financing of the road scheme has been definitely settled (see my despatch No. 295 of the 30th November). Therefore, if a loan of 1,800,000 fr., the estimated cost of the waterworks' scheme, at 4 per cent., amortisable in fifty years, were contracted, an annual sum of some 90,000 fr. would be required from the 450,000 fr. which will at first form Tangier's share of the "Caisse spéciale." M. Porché points out that this loan would only constitute an advance, which would be reimbursed from the revenue derived from the distribution of water to the consumers, who would have to pay rates. He therefore insists that the municipal budget would be in no way affected by the scheme.

There is no doubt, as I have already stated, that an efficient water supply is urgently necessary for Tangier. Owing to the lack of rain this year, there has been almost a water famine, and complaints regarding the delay in the construction of water-works are heard on all sides. I gather also that the majority of my colleagues would be prepared to accept the scheme as suggested by M. de Rappard, provided the financial difficulties can be overcome. As the most objectionable features of the original scheme would not exist in the present proposal, it might, therefore, be possible at any rate to consider in a meeting of the corps diplomatique whether it would be at all possible.

On the receipt of your telegram above referred to and of the circular enclosed herewith, I saw the *doyen* and informed him of the views of His Majesty's Government. With his concurrence, I am detaining the circular and postponing its annotation pending the receipt of your despatch on the subject and a reply to my telegram No. 110.

Should you express disapproval of the scheme in any form, I will of course use every effort to prevent its adoption.

I have, &c.

H. W. KENNARD.

[52428] No. 185.

Sir E. Goschen to Sir Edward Grey.—(*Received December 9.*)

(No. 508.) *Berlin, December* 7, 1912.

Sir,

I HAVE the honour to report that the following question was put to the Imperial Chancellor in the Reichstag yesterday :—

"Is the Imperial Chancellor aware that according to the speech made by M. Poincaré in the sitting of the French Chamber on the 1st July last, the Government of the French Republic do not propose to submit such public works in Morocco as are intended for purposes of defence or military security to public tender as provided for by the Act of Algeciras and by the Franco-German agreement of the 4th November, 1911? Does the Imperial Chancellor know what the French Government understand by works of the nature above mentioned?"

It was stated by a representative of the Chancellor that the answer to the first part of the question was in the affirmative and that the answer to the second part was contained in the declaration of the French Minister President. It was added that whether public works would be submitted to public tender was a question which could only be considered and decided in each individual case.

I have, &c.

W. E. GOSCHEN.

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* Not printed.

[52429] No. 186.

Sir E. Goschen to Sir Edward Grey.—(Received December 9.)

(No. 509.)
Sir, *Berlin, December 7, 1912.*

THE following question was put to the Imperial Chancellor in the Reichstag yesterday:—

"Does the Imperial Chancellor propose to concur in the suppression of the German post in Morocco, which, according to the speech made by M. Poincaré in the sitting of the French Chamber on the 1st July last, the Government of the French Republic intend to bring about, whilst, according to the opinion of the Imperial Government as hitherto made known, the continued existence of the German post could be considered as assured under the provisions of the Franco-German agreement of the 4th November, 1911?"

To this question a reply was returned to the effect that such a desire on the part of the French Government had not been expressed to the German Government.

I have, &c.,
W. E. GOSCHEN.

[53084] No. 187.

Mr. Kennard to Sir Edward Grey.—(Received December 12.)

(No. 112.)
(Telegraphic.) R. *Tangier, December 12, 1912.*

YOUR telegram No. 54 of 11th December: Tangier waterworks.

Diplomatic body have decided to ask Makhzen to agree to adjudicate for a waterworks alone, funds being furnished by the "Caisse spéciale" as a free contribution.

As this is so obviously to the advantage of Tangier, I have agreed, and hope that you will approve. Should Makhzen not agree, we can of course reconsider our attitude.

Despatch follows.

[52205] No. 188.

Sir Edward Grey to Mr. Kennard.

(No. 161.)
Sir, *Foreign Office, December 13, 1912.*

I HAVE given careful consideration to your despatch No. 296 of the 30th ultimo, enclosing various papers relative to a scheme for the construction of waterworks at Tangier.

As stated in my despatch No. 156 of the 4th instant, the arguments in favour of grouping together a concession for waterworks, electric power and light, and tramways, appear to me to be sound, and I should have preferred the postponement of the whole scheme until the municipality had been constituted. But in view of the considerable time which will probably elapse before the municipality is in a position to deal with the matter, and the strong public opinion at Tangier in favour of an immediate solution of the water question, I am reluctant to maintain an uncompromising opposition to the scheme in its present modified form, especially if the majority of the foreign representatives support it. I therefore authorised you in my telegram No. 53 of the 10th instant to agree to a meeting of the diplomatic body to discuss the whole question.

I shall be glad to learn the views and conclusions of your colleagues in the matter. Taking all the circumstances into consideration, I am disposed to concur in

the opinion expressed by M. de Rappard in his circular, and to think that, should it be found possible to carry out the work with funds advanced by the "Caisse spéciale" on favourable terms so as not to constitute a heavy charge on the municipal budget, it might be advisable to accept such a solution. It should of course be provided that the municipality would have the right to pay off the loan at any moment either in a lump sum or by instalments. Care should also be taken not to give the authorities of the "Caisse spéciale" of the French zone any rights of control, &c. which might prove inconvenient to the municipality.

I may also observe that, if possible, it would be desirable to instal the electric power generating machinery necessary for the waterworks in such a manner that it could subsequently be utilised for electric light and tramways. This, however, is a point which experts must decide.

M. Porché in his memorandum states that the water rates must be fixed on a scale sufficiently high to produce annually the amount required to cover interest and sinking fund on the outlay. I presume the diplomatic body will discuss this question of rates so as to satisfy themselves that they would not be so high as to be prohibitive. It must be borne in mind that the expenses of exploitation must also be met.

Unless, however, there are grave objections to the comparatively slight delay which would be involved in referring any scheme adopted to the approval of the several Governments in its final form, I think you should make it clear that you can only accept it *ad referendum*.

In the above circumstances I have refrained from instructing His Majesty's Ambassador at Paris in the sense of the last paragraph of my despatch to you No. 156 of the 4th instant.

I am, &c.,
E. GREY.

[53348] No. 189.

Sir M. de Bunsen to Sir Edward Grey.—(Received December 14.)

(No. 174.)
Sir, *Madrid, December 10, 1912.*

I CALLED this morning on the Minister of State, and left in his hands a memorandum in the terms of that portion of your despatch No. 126 of the 5th instant, which refers to the manner in which the adjudication of the work of construction of the Tangier–Fez Railway will be carried out under the Franco-Spanish convention of the 27th November, 1912. I conveyed at the same time to the Marquis of Alhucemas your thanks for the copy of the convention and annexed protocol which you received from the Spanish Ambassador in London. His Excellency said he continued to feel grateful for the friendly assistance rendered by His Majesty's Government in the course of the negotiations, and he asked me if I had noticed that he had inserted in the Bill for permission to ratify, which he had submitted a few days ago to the Chamber of Deputies, a phrase to the effect that the convention had been negotiated with the co-operation of His Majesty's Government. I said I had not failed to bring this friendly expression to your notice as I did in my despatch No. 173 of the 5th instant containing a summary of the Bill in question.

On the question of adjudication his Excellency said he would study my memorandum, and give me the desired explanations after consulting with the French Government. Meanwhile he added that he could clear up on his own authority the first point which it raises. Notwithstanding the terms of article 2 of the protocol, which states clearly that the concessionary company will be charged with construction as well as exploitation, he assured me that the construction of the line, including the supply of fixed and rolling stock, will be in all cases subject, as laid down in article 7 of the protocol, to adjudication under the rules stipulated in article 6, paragraphs 1 and 2 of the Franco-German treaty of the 4th November, 1911. He added that the authority to call for tenders will not be the company, but the authority of the respective zone, that is the Sultan, the Khalifa, or the Tangier authority, as the case may be.

I asked his Excellency, if this was so, what had become of the existing authority in such matters, the Commission Générale de Adjudication et des Marchés, and I

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reminded him that, as stated in my memorandum, the continuance of the authority of the above general commission seemed to be contemplated by the Franco-German treaty which contained a stipulation regarding the composition of its personnel. The Marquis of Alhucemas was not prepared to reply to my question offhand, and indeed he begged me to consider all he had said as representing merely his personal view, though, as regards construction, he knew he was right in saying that there was no idea of proceeding without adjudication, for this explanation had already been given to the German Government, which had raised the same point, and he had been informed by the German Ambassador that it had been fully accepted at Berlin.

Prince Ratibor has said the same thing to me, but he added that the German Government are not yet satisfied with the explanations received from Madrid with regard to the second point which they raised, namely, the inconsistency of paragraph 5 of article 17 of the convention of the 17th November with the principle of the economic unity of Morocco, and still hold that the above principle would be seriously infringed if the French and Spanish Governments became free after the year 1933 to impose taxes on tobacco in their respective zones according to the convenience of each Government, and independently of each other. Prince Ratibor to-day reverted to the subject in conversation with the Marquis of Alhucemas, pointing out that the freedom of taxation claimed by the two Governments would lead inevitably, in the opinion of the German Government, to the establishment, along the frontier dividing the two zones, of the line of control (or line of transit as it was sometimes called), which it had at first been intended to set up, but which had been abandoned at the instance of the German Government as being likely to cause a serious impediment to trade. It was evident, he told the Minister of State, that the adoption of different systems of taxation in the two zones would tend to make tobacco cheaper in one zone than in the other. It would of course pay to smuggle tobacco from the cheaper to the dearer zone, and to prevent this traffic, which must be detrimental to the revenue of the dearer zone, the undesirable line of control would necessarily have to be set up, and trade subjected to the annoyance, expense, and delay which the representations of the German Government had been framed to prevent.

The Marquis of Alhuceman promised Prince Ratibor to examine the question afresh in consultation with the French Government. He informs me, however, that rather than abandon the views which they both held with regard to eventual freedom of taxation in each zone, the French and Spanish Governments would claim to have the question submitted for decision to The Hague Tribunal as one which arises out of conflicting interpretations of the sense of the Franco-German Treaty, and which is therefore a proper subject for arbitration under the terms of the last paragraph of the notes exchanged between the French and German negotiators on the day of the signature of the treaty.

I have, &c.,
MAURICE DE BUNSEN.

[52204] No. 190.

Sir Edward Grey to Mr. Kennard.

(No. 162.) *Foreign Office, December* 16, 1912.

Sir,

I HAVE received your despatch No. 295 of the 30th ultimo relative to the Tangier roads scheme.

It does not appear from the correspondence on the subject whether it is on record in writing that no claim against the municipality is to be made eventually in respect of the expenditure on the roads in question. I presume that M. de Rappard signified the approval of the diplomatic body in a letter to Ali Zaky, and stated therein the condition that the amount involved should be a free grant for the "Caisse spéciale" not subject to repayment; and that Ali Zaky communicated this condition to the Makhzen.

I should be glad to learn whether the above assumption is correct.

I am, &c.
E. GREY.

[53846] No. 191.

M. Cambon to Sir Edward Grey.—(Received December 17.)

Ambassade de France, Londres,
le 14 *décembre*, 1912.

M. le Secretaire d'État,

LE résident général de France au Maroc a appelé l'attention du Ministre des Affaires Étrangères de la république sur l'intérêt qu'il y aurait à soumettre, dès 1913, les étrangers établis dans l'Empire chérifien en payement de l'impôt dénommé "tertib."

Cet impôt a été étendu aux ressortissants étrangers par un règlement signé à Tanger, le 23 novembre, 1903, par le représentant du Makhzen et les agents diplomatiques des Puissances. L'article 1er de ce règlement stipule :—

"Les étrangers et les protégés propriétaires de vergers, de bestiaux ou d'animaux des différentes espèces énumérées dans les articles suivants, ou ayant des terrains de labour, ou d'autres cultures, paieront au Makhzen, dans les conditions énoncées ci-dessous, les mêmes impôts qui sont payés annuellement par les sujets du Sultan."

Les articles suivants déterminent l'assiette de l'impôt auquel les Puissances ont accepté de soumettre leurs ressortissants.

Le paragraphe 1er de l'article 59 de l'Acte d'Algésiras prévoit la mise en vigueur de tertib et en règlement l'application aux étrangers.

Le Général Lyautey considère comme nécessaire que cet impôt, dont la légalité est consacrée par deux textes internationaux, soit perçu à partir de 1913 sur les étrangers et sur les protégés étrangers, qui ne l'ont pas acquitté jusqu'à présent. Il estime que le maintien de cette exception de fait, contraire au texte des accords diplomatiques, serait préjudiciable aux intérêts financiers et plus encore aux intérêts politiques du Makhzen. Au point de vue financier, l'immunité des étrangers et protégés étrangers diminuerait d'autant plus sensiblement le rendement de l'impôt, qu'elle constituerait, pour les propriétaires indigènes, un puissant stimulant à rechercher une protection étrangère. Au point de vue politique, elle serait d'un mauvais exemple, en perpétuant un état de choses où les indigènes, qui acquittent d'ores et déjà le tertib, auraient lieu de voir un fait d'arbitraire.

Telles sont les raisons pour lesquelles le représentant du Makhzen à Tanger a reçu pour instructions de se concerter avec le représentant français dans cette ville, en vue d'entretenir le corps diplomatique de cette question. Le désir du Général Lyautey est avant tout qu'il soit mis fin à l'immunité de fait des étrangers et protégés étrangers, ainsi que l'ont stipulé les actes internationaux rappelés ci-dessus. Mais le résident général de France désirerait aussi qu'il fût apporté à assiette du tertib, telle qu'elle a été déterminée par le règlement de 1903, quelques modifications destinées à le rendre plus équitable et, par conséquent, plus favorable aux contribuables.

L'assentiment des Puissances étant nécessaire pour que ces modifications soient applicables à leurs ressortissants, les représentants du Makhzen et de la France à Tanger ont été invités à les soumettre à l'examen du corps diplomatique. J'ai l'honneur d'adresser ci-joint à votre Excellence la copie d'un projet de règlement du tertib, modifiant, conformément aux vues du Gouvernement chérifien, le texte du règlement de 1903.

J'ai été chargé par mon Gouvernement d'exposer cette question à votre Excellence et de la prier d'adresser au chargé d'affaires d'Angleterre à Tanger des instructions lui prescrivant d'appuyer, en l'occurrence, les démarches de ses collègues français.

Veuillez, &c.
PAUL CAMBON.

Enclosure in No. 191.

Projet de Règlement de Tertib pour les Étrangers modifiant le Texte de Tertib de 1903.

ARTICLE 1er. Conformément à l'article 59 de l'Acte d'Algésiras, les étrangers et les protégés propriétaires de vergers, de bestiaux ou d'animaux des différentes espèces énumérées dans les articles suivants, ou ayant des terrains de labour, ou d'autre culture, paieront au Makhzen dans les conditions énoncées ci-dessous les mêmes impôts qui sont payés annuellement par les sujets du Sultan.

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Il sera fait, au cours de l'année, deux recensements : le 1er, exécuté en mai et juin, portera sur les céréales, les cultures printanières et les arbres fruitiers ; le second, en août, portera sur les animaux et les cultures automnales y compris les potagers et plantations de henné.

Ces recensements s'effectueront dans les conditions prévues par l'article 3.

Art. 2. Les chameaux destinés à l'élevage, au labour ou au transport paieront par tête 5 pesetas hassani. Les jeunes chameaux entrant dans la troisième année paieront 2·50 pesetas hassani ; les bœufs et les vaches, 2·50 pesetas hassani ; les veaux et génisses (" drouba "), 1·25 pesetas hassani ; les porcs, 1 peseta hassani ; les béliers, 50 pesetas hassani le 100 ; et les brebis, 40 pesetas hassani le 100 ; enfin les chèvres, 25 pesetas hassani le 100.

Au-dessous de 100 béliers, brebis et chèvres la taxe sera perçue proportionnellement.

Art. 3. Les chevaux, les mulets et les ânes d'élevage, de labour et de charge paieront par tête, savoir :—

Les mulets, 2·50 pesetas hassani.
Les ânes, 1 peseta hassani.

Art. 4. Il sera perçu par groupe de 100 arbres, savoir :—

Sur les oliviers de rapport et les amandiers, 2·5 pesetas hassani.

Sur les orangers de diverses espèces et les palmiers, 12·50 ; sur les autres arbres fruitiers, y compris la vigne et les arbres portant les fruits d'été ou d'automne, 6·75.

Art. 5. Les terrains de culture et les étendues de terres labourées entre les arbres paieront une taxe fixée par paire de bêtes de labour (ou par charrue), cette taxe sera déterminée par le tableau suivant :—

Qualité de l'Année suivante le Rendement en Argent par Charrue.	Espèce de Charrue Chevaux— 1re Catégorie de Chameaux mulets. 2e Catégoire de Bœufs. 3e Catégorie d'Ânes.	Taxation au un vingtième du Rendement en Argent.							
		Blé.		Orge.		Maïs.		Mil.	
		Rendement en Argent par Charrue.	Taxes à appliquer par Charrue.	Rendement en Argent par Charrue.	Taxes à appliquer par Charrue.	Rendement en Argent par Charrue.	Taxes à appliquer par Charrue.	Rendement en Argent par Charrue.	Taxes à appliquer par Charrue.
		Ps. h.	Ps. h.	Ps. h.	Ps. h.	Ps. h.	Ps. h.	Ps. h.	Ps. h.
Très bonne	1re catégorie	1,800	90	600	30	500	25	500	25
	2e "	900	45	300	15	240	12	240	12
	3e "	450	22	150	7	120	6	120	6
Ordinaire	1re catégorie	1,200	60	400	20	320	16	320	16
	2e "	600	30	200	10	160	8	160	8
	3e "	300	15	100	5	80	4	80	4
Mauvaise	1re catégorie	600	30	200	10	160	8	160	8
	2e " .. .	300	15	100	5	80	4	80	4
	3e "	150	7	50	2	40	2	40	2

Ce tableau comporte pour chaque culture trois échelles de taxes applicables, suivant que la récolte aura été estimée très bonne, ordinaire ou mauvaise, à chacun des trois genres de charrue prévus.

Pour les labours effectués par une seule bête, à l'aide de la machine ou par d'autres moyens, il sera perçu une taxe proportionnelle basée sur celle qui frappe l'étendue correspondante à une charrue.

Art. 6. Pour les potagers, les plantations de henné ou d'autres cultures, c'est-à-dire de fèves, de pois chiches, de coriandres, de fenugrec, de lin, les cultures fourragères, &c., il sera versé 5 pour cent sur le montant de l'estimation qui sera faite en charge de chameau par le ressortissant étranger et indiquée par lui dans la déclaration visée par l'article 8 sera vérifiée par les soins de la commission de recensement, qui déterminera également la taxe à percevoir en se basant sur les cours moyens de vente de la charge

de chameau de chacune de ces denrées : ce cours sera fixé dans chaque région et vingt jours avant le commencement de perception par les représentants de Sa Majesté chérifienne.

Art. 7. L'impôt annuel développé dans les articles ci-dessus est égal pour tous, pour les fonctionnaires comme pour les particuliers, toutes réserves faites des droits et privilèges établis par les traités.

Il ne pourra être réclamé aucun autre impôt à l'exception des arriérés antérieurs à l'établissement de ce règlement dû par les tribus marocaines au Makhzen et dont le payement s'impose.

Les taxes perçues sur les marchés de la campagne et de la ville sur les objets vendus et le droit des portes resteront en vigueur sur les bases de la Convention de Madrid en date du 24 Redjeb, 1293 (juillet 1880).

Art. 8. Le Makhzen désignera par chaque ville ou tribu une commission de recensement composée d'un président qui sera suivant le cas soit le caïd de la tribu, soit le pacha de la ville ou son khalifa, d'un amin expert en agriculture et d'un adel.

Chaque étranger, censal ou protégé remettra chaque année à l'autorité consulaire de laquelle il relève :—

1. Avant le 1er mai l'état des biens compris dans le premier recensement prévu par le § 2 de l'article 1er. Cet état indiquera d'une part pour les cultures printanières soit les étendues réellement cultivées, soit l'estimation probable de la récolte conformément aux articles 5 et 6 et, d'autre part, pour les arbres fruitiers le nombre de pieds possédés.

2. Avant le 1er août l'état des biens compris dans le second recensement prévu par le § 2 de l'article 1er. Cet état indiquera d'une part pour les cultures automnales soit les étendues réellement cultivées, soit l'estimation conformément aux articles 5 et 6 et, d'autre part, pour les animaux, le nombre de têtes possédées.

Celui qui, parmi les ressortissants étrangers sera employé au service des consulats remettra les états ci-dessus indiqués au chef du poste diplomatique au consulaire dont il relève.

L'autorité consulaire adressera, avant le 15 août, respectivement au gouverneur de la ville de sa résidence, tous les états qui lui auront été remis ; celui-ci les transmettra aux autorités compétentes désignées par le Makhzen afin qu'elles en vérifient l'exactitude par un recensement dont les résultats seront comparés avec les déclarations fournies par les ressortissants étrangers.

Avant le 15 octobre, la commission de recensement devra renvoyer au gouverneur de la ville, pour chacun des ressortissants étrangers un bulletin unique numéroté et daté portant le nom et le domicile de l'intéressé, le nombre total de ses biens imposés et le montant de ce qu'il doit de ce chef. Ce bulletin portera la signature du caïd et de deux membres de la commission ; le double en sera conservé par ceux-ci sur un registre. Après avoir revêtu de son sceau les bulletins, le gouverneur les enverra aux autorités consulaires pour leurs ressortissants respectifs.

L'autorité consulaire transmettra alors les bulletins préalablement visés par ses soins aux intéressés, qui devront payer par l'intermédiaire du consul avant le 15 novembre les sommes portées sur ce bulletin. Après le payement exécuté par l'intermédiaire du gouverneur entre les mains du caïd, celui-ci et les deux membres de la commission signeront chaque bulletin pour constâte que le contribuable s'est acquitté à cette date.

Le bulletin ainsi signé sera rendu par le caïd président de la commission au gouverneur, pour être remis au contribuable par l'entremise de l'autorité consulaire.

Articles 9, 10, 11 maintenus.

[54094] No. 192.

Sir M. de Bunsen to Sir Edward Grey.—(*Received December* 18.)

(No. 116.)
(Telegraphic.) *En clair.* *Madrid, December* 18, 1912.

FRANCO-SPANISH treaty concerning Morocco was approved yesterday by 215 votes to 22 in Chamber Deputies ; discussion Senate begins 20th December.

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[52201] No. 193.

Sir Edward Grey to Sir F. Bertie.

(No. 606.) *Foreign Office, December* 18, 1912.

Sir,

I TRANSMIT to your Excellency a copy of a despatch from His Majesty's chargé d'affaires at Tangier,* relative to a Shereefian decree imposing a servitude on lands within a fixed zone round the fortifications of certain towns in the French sphere, together with a copy of my reply.†

I request that your Excellency will communicate the text of my despatch to Mr. White to the Minister for Foreign Affairs, and invite the attention of the French Government both to the arbitrary and unreasonable nature of this firman, and to the attitude which His Majesty's Government have been constrained to adopt in regard to it.

Your Excellency may remind M. Poincaré that, as his Excellency was informed on the 3rd February last (see Paris despatch No. 63 of 3rd February, 1912), the Algeciras Act must be held to remain operative and binding until all the signatory Powers shall have agreed to abrogate it or to modify it in whole or in part. And until the conditions on which His Majesty's Government adhered to the Franco-German convention of 1911 have been fulfilled, and until the French protectorate has been definitely recognised by them they consider that the rights which British subjects enjoy under the Algeciras Act, the Spanish treaty of 1861, and the Madrid convention of 1880 remain unimpaired.

His Majesty's Government are therefore unable to admit that the recent Shereefian firman is at present either applicable to, or binding on, British subjects in Morocco.

I am, &c.

E. GREY.

[47059] No. 194.

Sir Edward Grey to Sir F. Bertie.

(No. 607.) *Foreign Office, December* 14, 1912.

Sir,

IN your despatch No. 469 of the 5th ultimo, your Excellency forwarded to me a copy of a note from the French Government to the effect that regulations relating to missionaries and their work in Morocco had not yet been drawn up, but that British missionaries would eventually find therein all the guarantees compatible with the maintenance of public order.

This is not a very satisfactory reply to the request of His Majesty's Government for guarantees that British missionary work in Morocco will enjoy in the future the same liberty as it had before the declaration of the French protectorate in Morocco. The maintenance of public order has been the pretext for the oppressive regulations enforced on British missionaries in Madagascar, and an anti-clerical French resident-general in Morocco would be able, on the same ground, to put countless obstacles in the way of the missionary and educational work promoted in Morocco by British subjects.

I observe that paragraph 2, article 8 of the recent Franco-Spanish convention enacts that "Les deux Gouvernements s'engagent à faire respecter la liberté et la pratique extérieure de tout culte existant au Maroc"; and it has occurred to me that this paragraph might afford a suitable opportunity for making a further communication to the French Government. His Majesty's Government might, after expressing satisfaction at the insertion of this clause in the convention, inform the French Government that they assume they are justified in considering that it ensures the complete freedom of British missionaries to carry on religious and educational work in Morocco, and that it absolutely excludes the possibility of restrictive regulations such as those which have given rise to so much trouble in Madagascar. They would, however, be glad of a definite assurance to that effect from the French Government.

I should be glad to learn your Excellency's views on this suggestion.

I am, &c.,

E. GREY.

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* No. 182. † No. 195.

[52201] No. 195.

Sir Edward Grey to Mr. White.

(No. 163.) *Foreign Office, December* 18, 1912.

Sir,

I OBSERVE from Mr. Kennard's despatch No. 292 of the 29th ultimo, relative to a recently issued Shereefian firman imposing a servitude on all land comprised within a distance of 250 metres from and outside the fortifications of certain towns in the French zone, that no action appears to have been taken up to now on this firman, except at Saffi, where the governor of the town has demanded that work should be stopped on a warehouse and offices which Messrs. Murdoch, Butler and Co. are building outside the Rabat gate. At Casa Blanca, in fact, French constructions are being now erected quite close to the town walls. But if the principle of the firman is allowed to pass unchallenged its provisions will no doubt be enforced elsewhere, and important British interests at the various ports will suffer correspondingly.

Article 5 of the Spanish Treaty of 1861 stipulates that "when Spaniards purchase with the permission of the authorities houses, warehouses, or land in the Empire of Morocco they shall dispose freely of their property without being interfered with by any person," and article 55 provides that "the articles of this treaty shall be applicable to all the fortresses and ports of Morocco opened to foreign commerce." Article 11 of the Madrid Convention of 1880 confirms the right of foreigners to hold real property, and though no specific mention is made of building, it has always been held that foreigners can build on their lands without any interference on the part of the Moorish authorities. Article 61 of the Algeciras Act further confirms the right of foreigners to acquire real property, and stipulates that when such property has been acquired "subsequent transfers by deed between living persons or after disease shall continue to be effected without impediment," and that "(foreigners) shall be free to erect buildings thereon, provided they conform to regulations and usages." It could not have been intended that the Makhzen should have the power arbitrarily to make regulations rendering this right nugatory.

Moreover, if the firman were applied only to fortifications properly so-called there might be some justification for its enforcement, an arrangement by which owners of land necessary to the State would be expropriated, on the payment of course of due compensation, but it appears wholly unreasonable to apply such an arrangement to ports and towns in the interior merely because they happen to be walled towns, and apparently without compensating the owners of the property for the loss of their rights. All the towns on the coast are overcrowded, and most of them have already outgrown their walls, the tendency naturally being to commence building immediately outside the walls and gradually to extend outwards. It is practically certain that eventually the majority of the Europeans and principal natives will live outside the walls, which cannot be regarded as real fortifications, and the plea of military necessity appears to be merely an excuse to enable the Makhzen to obtain possession of much valuable land.

I request that you will inform the Moorish Government that the attention of His Majesty's Government has been called to the issue of the firman, and to its attempted enforcement in the case of Messrs. Murdoch, Butler and Co. at Saffi. You should point out that there would seem to be no justification for its application to places such as Saffi, the walls of which cannot be considered real fortifications, and you should dwell on the damage which would be inflicted on British interests by the operation of the decree. Nor is it understood by what judicial machinery such a decree could legally be enforced upon British subjects under the still existing régime, since His Majesty's Government consider that the rights which flow to British subjects from the Algeciras Act, and from the treaties mentioned in the third paragraph of this despatch remain unimpaired; unless, and except in so far as, the provisions of these several instruments are formally abrogated. They are therefore unable to admit that the recent Shereefian firman is at present either applicable to or binding on British subjects in Morocco.

I am sending a copy of this despatch to His Majesty's Ambassador in Paris, with instructions to bring its contents to the notice of the French Government.

I am, &c.

E. GREY.

[54427] No. 196.

Mr. Kennard to Sir Edward Grey.—(*Received December* 21.)

(No. 305.)

Tangier, December 12, 1912.

Sir,

WITH reference to your despatch No. 156 of the 4th instant, I have the honour to report that a meeting of the corps diplomatique took place this morning to discuss the scheme for waterworks at Tangier. I thought it as well not to ask for a postponement of this meeting until the receipt of further instructions from you, as there have already been several delays in the consideration of this question, and public opinion is much interested in its furtherance; I had also already explained the attitude of His Majesty's Government to the doyen.

M. de Rappard stated, in opening the *séance*, that he was of the opinion that in any discussion of the subject it must be remembered that the main object of the corps diplomatique must be to avoid in any way involving the future municipality in financial or other obligations. He was therefore of the opinion that the only procedure possible under the circumstances would be that reported in my despatch No. 296 of the 30th ultimo, namely, the construction of the waterworks alone by a straightforward adjudication. On all the representatives expressing their acceptance of this view, M. de Rappard drew attention to the difficulty of financing the scheme thus agreed upon. I took this opportunity of making a short financial statement which I had prepared with the assistance of the president of the "Comité spécial." I pointed out that the receipts of the "Caisse spéciale" from 1908, the year of its establishment, to the end of the current year, amounted to 9,514,000 fr., while the expenditure on public works during the same period, including sums already spent and those necessary for projects now in execution or approved, amounted to 3,376,225 fr. To the latter figure must be added the advances made to the "Taxe urbaine," consisting of 1,448,179 fr., and the advances to the "Contrôle de la Dette" for lighter service, &c., which brought the total expenditure up to 5,348,978 fr. There was, therefore, a surplus of 4,165,000 fr.; from this however must be deducted 1,400,000 fr., the sum necessary for execution of the Tangier roads scheme which has just been approved by the Makhzen, reducing the actual surplus now in hand to 2,765,000 fr.

Should the subvention to the "Contrôle de la Dette" (380,000 fr.) be refunded and the interests said to be due from the Banque d'État (500,000 fr., approximately, according to M. Porché, though this figure may be exaggerated) be paid, this surplus would be increased to 3,645,000 fr., and should the advances to the "Taxe urbaine" (1,448,179 fr.) be included, it would amount to 5,093,179 fr. I drew the attention of my colleagues to the necessity of making some decision as to the treatment of the advances to the "Taxe urbaine." These sums had been utilised—at Tangier, at any rate—for road improvement and the laying of drains. While these works might not strictly come under those contemplated by article 66 of the Act of Algeciras, they had nevertheless contributed to the development of the port and its commerce. It might therefore be worth while considering whether these advances should not be treated as merely book debts. M. de Rappard then suggested that, in view of the fact that there was so large a surplus at the disposal of the "Caisse spéciale," we should ask the Makhzen if they would agree to the execution of the waterworks project from the funds of the "caisse" without any recurrence to a loan and as a free contribution. It seemed the only solution which could be adopted without engaging the future resources of the municipality. This proposal was unanimously agreed to, and the president of the "Comité spécial," who was present, was requested to write to the Grand Vizier at Rabat accordingly. At my suggestion, Ali Zaki Bey was further requested to approach the Banque d'État with a view to obtaining the payment of the interest which they should give for the funds of the "caisse" deposited with them. They have apparently hitherto refused to do so on the ground that the customs receipts are paid in hassani, and that they are not obliged to pay interest in this currency. This argument seems untenable, and it is to be hoped that the bank will now comply with the regulations in this respect. With regard to the advances made to the "Contrôle de la Dette" for their lighter service, Ali Zaki stated that these were not advances, but subventions which had been approved by the "Caisse spéciale." He will, however, approach the "contrôle" on the subject. As we are now requesting the Makhzen to agree to the grant of another large sum from the "caisse" for the waterworks, I did not think the moment opportune to press for a decision regarding

the advances to the "Taxe urbaine," as the question of the eventual distribution among the three zones would probably have arisen. My French colleague, to whom I have spoken on the subject, did not seem opposed to the idea of simply writing off these sums, and it seems a matter which could be taken up later.

I thought it politic to agree to the procedure adopted for the financing of the waterworks project without further reference to you or requesting a postponement of any action until I had received full instructions. If the Makhzen approve the immediate grant of the necessary funds from the "Caisse spéciale," Tangier will of course greatly profit by such an arrangement; the waterworks would have had to be constructed in due course by the municipality, and it is preferable for them that they should find the work already in execution with the funds of the "caisse" than that they should be compelled to provide the money themselves out of the far smaller share of the "Caisse spéciale" which they will enjoy. If the Makhzen refuse to agree to this arrangement, we can reconsider our attitude and refuse to consent to any other alternative involving a loan or some financial transaction which would engage the resources of the future municipality. We should at any rate have shown our good-will and rendered any accusation of unnecessary obstruction unjustifiable.

It would appear improbable that the French authorities should authorise the Makhzen to approve the grant of so large a sum (1,800,000 fr.) to Tangier, especially as they have just accepted the roads scheme, entailing an expenditure of almost equal magnitude. There can, however, be no harm in making the effort; and as it is particularly the French element here which has pressed for the execution of the waterworks, it may be attended with success. Should it fail, the municipality on its establishment could revert to the scheme, which you favour, of uniting the waterworks, tramways, and electric power and light in one large concession.

I have, &c.

H. W. KENNARD.

P.S.—I have the honour to enclose herewith copy of the formal letter which has now been addressed by the doyen of the corps diplomatique to the president of the "Comité spécial," requesting him to approach the Makhzen for their approval of the procedure agreed to by the corps diplomatique.

December 13, 1912. H. W. K.

Enclosure in No. 196.

Dean of Diplomatic Body to President of "Comité spécial des Travaux publics."

M. le Président,

Tanger, le 13 *décembre*, 1912.

EN réponse à votre lettre du 28 novembre dernier, dans laquelle vous avez bien voulu m'entretenir au sujet de l'adduction des eaux à Tanger, en me transmettant une note de M. l'ingénieur en chef relative à cette matière, j'ai l'honneur de vous informer que le corps diplomatique, dans sa séance du 12 courant, s'est occupé de cette question.

Le corps diplomatique a été unanimement d'avis que le seul moyen de solutionner la question si importante de l'adduction des eaux à Tanger serait d'adopter la manière de procéder préconisée par M. Porché, p. 2 de son rapport du 21 novembre dernier, sous le numéro 8 (*b*).

Le corps diplomatique se déclare donc disposé à permettre l'exécution pure et simple des travaux des eaux par le service des Travaux publics sur les fonds de la Caisse spéciale. Ces travaux une fois achevés seront livrés gratuitement à la municipalité de Tanger, qui pourra alors, à son gré, ou assurer l'exploitation elle-même ou la confier à un fermier d'exploitation choisie par elle, et juger en même temps de l'opportunité de joindre le service des eaux à celui de l'éclairage électrique et des tramways.

Le corps diplomatique est arrivé à cette décision d'une part en vue du fait que l'excédent actuel de la Caisse spéciale permet facilement cette dépense, évaluée à environ 1,800,000 fr., d'autre part en prenant en considération que, quoique Tanger profitera en premier lieu de l'adduction des eaux, la faculté d'obtenir de l'eau potable dans une ville comme Tanger avec son futur port peut être considérée comme une question intéressant l'Empire chérifien tout entier.

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Puisqu'il dépend du corps diplomatique et du Makhzen de destiner l'usage qui sera fait des fonds de la Caisse spéciale, maintenant que le premier a donné son approbation à l'exécution pour une somme d'environ 1,800,000 fr. des travaux d'adduction des eaux de Tanger, il ne vous restera plus qu'à vous adresser au Makhzen, comme vous avez fait récemment pour le projet de routes, et de lui demander également son autorisation.

Celle-ci une fois acquise, vous n'aurez qu'à charger le service technique d'élaborer le cahier des charges qui sera soumis ensuite au Comité spécial des Travaux publics.

Veuillez, &c.

DE RAPPARD.

[54428] No. 197.

Mr. Kennard to Sir Edward Grey.—(*Received December* 21.)

(No. 306.)

Tangier, December 13, 1912.

Sir,

WITH reference to your despatch No. 155 of the 2nd instant, I have the honour to transmit herewith a statement* which has been drawn up from some detailed figures supplied to me by the President of the Comité spécial des Travaux publics regarding the expenditure from the "Caisse spéciale" at Tangier.

You will observe that no portion of the advance of 410,184 fr. 61 c. made this year to the "Taxe urbaine" appears to have been on account of the new road scheme. The lazaret to works on which 57,822 fr. 50 c. are being spent this year are included in the ordinary expenditure of the "caisse." I have suggested to Ali Zaky that this item, and any others for sanitary installations, should be transferred to the general fund.

I fear that it is very difficult to obtain accurate and satisfactory financial statements from the officials of the Comité spécial, and it will be noticed that the amounts given in the statements transmitted herewith do not correspond with those given in the enclosure to my despatch No. 275 of the 16th ultimo. It will, I think, be necessary, before a partition of the funds of the "Caisse spéciale" among the three zones be made, to insist on its accounts being put in proper order, so that a correct estimate may be formed as to the actual financial situation.

The solution suggested in your despatch under reply for the treatment of the advances made to the "Taxe urbaine" seems, undoubtedly, the best which could be found, and is one which I had already proposed myself. You will observe in my despatch No. 305 of yesterday's date that I made a suggestion to this effect at the meeting of the corps diplomatique regarding the waterworks project. The proposal has been on the whole favourably accepted, but I did not like to press the question yesterday, as it might have drawn attention to the discrepancy between the expenditure at Tangier and that at other ports at a moment when we are requesting the Makhzen's approval to a further large sum from the funds of the "caisse." On learning the attitude of the Makhzen, we could again put forward this suggestion.

When Sir R. Lister proposed in his telegram No. 106 of the 23rd October that the road scheme should be approved, he requested your authorisation to accept it, and to ask that subsequently detailed accounts should be furnished regarding these advances to the "Taxe urbaine," &c. In your telegram No. 45 of the 24th October, you replied that, under these circumstances, you agreed to this proposal. The road scheme was therefore accepted, and Tangier has gained a large sum which it might otherwise have lost, and which will contribute greatly to the development of the town. The details regarding the advances to the "Taxe urbaine" have been obtained, and have now, on the Makhzen having notified their acceptance of the road scheme, been examined by the corps diplomatique. It can only be hoped that the solution, which you suggest for their treatment, may prove practicable. It would seem to be in the interests of all three zones that a refund of these loans should not be insisted upon.

I have, &c.,

H. W. KENNARD.

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* Not printed.

[54430] No. 198.

Mr. Kennard to Sir Edward Grey.—(*Received December* 21.)

(No. 308.)

Tangier, December 14, 1912.

Sir,

I HAVE the honour to transmit herewith copy of a circular* which has been addressed to the corps diplomatique by the doyen, transmitting a letter from the commissioner for foreign affairs regarding the acquisition of land by foreign subjects in Morocco, and enquiring what reply should be made thereto.

Sid Guebbas encloses in his letter a new regulation on the subject which has recently appeared in the "Bulletin officiel," published by the residency-general at Rabat. He further calls our attention to the illegal sale of land by private contract, and states that the Makhzen intend to revise the grant of certain Makhzen lands which have recently been irregularly ceded to Moorish and foreign subjects and protégés. He requests that we should inform our *ressortissants* that they cannot count on the support of their legations in any disputes which may arise owing to these measures, and points out that all litigants must submit to the provisions of "shraa," finally asserting that protection will be invalid for natives who are concerned in these irregularities.

The Makhzen are, of course, taking this action at the instance of the French authorities, who find that large tracts of land have been thus irregularly disposed of in the French zone and are anxious to obtain their restitution. The "règlement" enclosed in the commissioner for foreign affairs's communication will require careful examination, and should, in my opinion, be considered in a meeting of the whole corps diplomatique. A detailed memorandum on the subject will be forwarded to you in due course. The passage in Guebbas's letter regarding Makhzen land refers, I gather, to the properties which Mulai Hafid gave away in wholesale fashion towards the end of his reign, amongst which are lands at Marrakesh which he gave to the notorious ex-basha, Woold Dris Menoo, and which the latter has sold to certain German subjects. The German Legation are especially concerned in this question, as I hear that similar lands have been acquired by Germans at Fez and elsewhere. I have already drawn your attention, in my despatch No. 226 of the 29th August last, to purchases *sous seing privé* by the Mannesmann Company.

As regards the sales of Makhzen land *sous seing privé* there is no doubt that these transactions are quite illegal, and we cannot but sympathise with any efforts which may be made to render them void. Though it is difficult to obtain reliable information on the subject, I believe that few British subjects or protégés would be affected by any proceedings against this traffic. Menebhi has purchased some lands at Mediuna, but says that he holds the necessary documents for them.

The position regarding the cession of Makhzen lands is somewhat different. Sid Guebbas states that a revision of these lands recently irregularly ceded is proposed. It would be interesting to know how far these measures will be retrospective, what cessions will be considered as irregular, and whether these proceedings will be confined to the French zone or extended to all three zones.

It is difficult to ascertain how far the Sultan has the right to give away Makhzen or Guich lands. It is asserted by French and Moorish luminaries that Mulai Hassan, the predecessor of Abdel Aziz, only did so on two occasions during his reign, and then the gifts were made to two shereefs of great sanctity and poverty. Abdel Aziz, on the other hand, must have given away considerable tracts, though not to the same extent as Mulai Hafid, who shortly before his abdication, and after giving an engagement to the French that he would not do so without consulting them, gave away large tracts of these lands to almost anyone who asked for them. I gather that it is these lands which the French authorities are especially anxious to see restored to the State, and as in some instances they have already been sold to third parties, who are frequently foreigners, it has been thought necessary to warn the corps diplomatique. As is well known, this legation has made every effort to prevent at any rate any further traffic in these lands in this district; but as I have already reported, the Makhzen have quite recently taken the opportunity of the present period of transition to grant Makhzen lands in the Tangier zone to natives who have been of service to France or are French protégés. It is almost impossible to obtain detailed information as to the disposal of these properties, as the only concrete evidence could be found in the register kept by the Amin-el-Mustafadat, to which we cannot obtain access at present. If,

* Not printed.

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however, such grants are to be revised, and the restoration of such lands is to be effected in the French zone, it seems only fair that the same benefit should be conferred on the Tangier district, where the future municipality will need them to an even greater extent. The cession of land in Tangier to a soldier in the French Legation or to Sid Guebbas for services to the French appears quite as irregular, if not more so, as the grant of similar lands at Marrakesh to Woold Dris Menoo and other Makhzen officials. The Makhzen are now displaying great anxiety that all land disputes should be submitted to "shraa," and yet the French consulate here has declared that it does not possess the necessary powers to compel a French subject to attend the cadi's court and to give effect to the decision of that court by evicting the offending Frenchmen. In short, if the French zone is to obtain the restoration of Makhzen and Guich lands, and is requesting the various legations to assist them in doing so, it seems only right that they should extend the same aid through the Makhzen to the Tangier district, unpalatable as such a proceeding may be to them.

I have, in annotating the circular enclosed herewith, stated that I am referring the question to you, Sir, for instructions, and I would submit that the following suggestion should be made as to any reply which M. de Rappard should make to Sid Mohammed Guebbas. His Majesty's Government have regarded in the past, and will always in the future regard with sympathy any effort which may be made to secure the restoration of Makhzen and Guich lands to the State. They consider that it would be preferable that the "règlement" enclosed by Sid Guebbas should be examined in a meeting of the corps diplomatique where the numerous points raised could be discussed. They are of the opinion that the purchase of land *sous seing privé* must be necessarily invalid. As regards the illegal grant of Makhzen and Guich lands while they approve in principle their revision, they would be glad to learn how far this revision will be retrospective, what would actually be considered an irregularity in these grants, and whether such proceedings will be extended to the whole Empire. His Majesty's Government are particularly anxious that such lands which they understand have been ceded on a particularly large scale in the Tangier district should be restored for the administration of the future municipality, and they trust that measures will be taken accordingly. They have always held that any land dispute should be settled by "shraa," and His Majesty's consular officers have the power to enforce the decisions of the cadi's court, though they understand that this is not generally the case. As to informing British subjects that they cannot count on the support of their legation in these disputes, the latter will not, of course, intervene as long as it is satisfied that no injustice is being done, and the same attitude will be adopted in the matter of protégés.

This suggestion would seem to cover the important points, but I will of course submit the question to Mr. White on his arrival here on the 22nd instant. I have thought it advisable not to await his return before forwarding the enclosed circular to you, as the doyen will be awaiting an expression of your views on the subject, and Mr. White can suggest any further modification by telegraph.

I gather that most of my colleagues are referring the matter to their Governments. The German Minister, who is especially affected by the proposed measures, told me yesterday that he considered that we should not approve them, and animadverted on the manner in which Makhzen lands have been granted to French tools and protégés in this district.

I have, &c.
H. W. KENNARD.

[55009]

No. 199.

Mr. Carnegie to Sir Edward Grey.—(*Received December 24.*)

(No. 532.)

Paris, December 22, 1912.

Sir,

HIS Majesty's Ambassador addressed a communication on the 7th instant to the French Minister for Foreign Affairs in the sense of your despatch No. 584 of the 5th December, respecting the arrangements contemplated in the recently concluded Franco-Spanish agreement as regards adjudication in the case of the Tangier–Fez railway.

I have the honour to transmit to you herewith copy of a note from M. Poincaré in reply to Sir Francis Bertie's communication, in which explanations are given as to the several points raised therein.

I have, &c.
LANCELOT D. CARNEGIE.

Enclosure in No. 199.

M. Poincaré to Sir F. Bertie.

M. l'Ambassadeur, *Paris, le 17 décembre*, 1912.

PAR sa note du 7 décembre courant, votre Excellence a bien voulu demander au Département des Affaires Étrangères de la république quelques éclaircissements sur certains articles du protocole annexé à la récente convention franco-espagnole et relatif à la ligne ferrée Tanger–Fez. J'ai l'honneur de vous faire parvenir les renseignements qui suivent :—

Première Question : Article 2 du Protocole.—Le Gouvernement britannique observe que la construction aussi bien que l'exploitation de la ligne est concédée à une compagnie franco-espagnole unique, alors qu'il est stipulé à l'article 7 du même protocole que les projets seront soumis à l'adjudication, conformément aux règles en vigueur, les marchés étant passés pour chaque zone par l'autorité concédante. Vous avez bien voulu me demander s'il n'y a pas contradiction entre les deux articles, puisque la concession une fois intervenue au profit de la compagnie unique ne semblait plus pouvoir donner lieu à une adjudication ultérieure.

Réponse.—Il convient de distinguer entre la concession d'une ligne et les marchés relatifs à l'exécution des ouvrages qu'elle comporte. C'est ainsi que la presque-totalité des lignes des grands réseaux français ont été, aussitôt leur tracé général déterminé, concédées à des compagnies chargées de dresser les projets définitifs, d'en diriger la construction et d'en assurer ensuite l'exploitation—le tout sous le contrôle de l'État—sans que jamais ces compagnies aient procédé directement à l'exécution des travaux. Pour l'exécution des travaux, les compagnies ont toujours recouru à des marchés d'entrepreneurs, comme l'eût l'État lui-même s'il n'y avait pas eu concession. Le mode de passation des marchés, prévu par l'article 7 du protocole, est donc bien compatible avec la concession originelle, puisque c'est en fait celui qui a été ordinairement pratiqué pour les lignes concédées.

Deuxième Question.—Le Gouvernement britannique désire savoir si, au cas où il serait reconnu que la concession originelle réserve la possibilité d'adjudication des travaux, ce serait la compagnie concessionnaire qui ferait les appels d'offres et si elle resterait libre de répondre à son propre appel. Vous estimez que, s'il en était ainsi, la compagnie concessionnaire se trouverait par rapport aux autres soumissionnaires dans une situation si privilégiée qu'elle serait presque certaine d'obtenir adjudication.

Réponse.—Les compagnies concessionnaires ne sont pas en général des sociétés de travaux et il est très peu probable que celle dont le protocole prévoit la constitution songe à concourir aux adjudications de sa ligne. Si, cependant, elle se décidait à soumissionner, on ne pense pas qu'il serait possible de lui en dénier le droit et il ne semble pas nécessaire de le faire pour sauvegarder l'égalité économique. En effet, si les projets doivent être dressés par les concessionnaires, ils seront revus par les Gouvernements des zones intéressées, auxquels appartiendra leur approbation définitive. Ceux-ci seront donc en mesure de s'assurer que les pièces du contrat, et en particulier le cahier des charges, sont rédigés de façon qu'aucun des concurrents ne se trouve avantagé ; ils pourront notamment exiger que les renseignements recueillis au cours des études soient tenus à la disposition de tous les soumissionnaires éventuels. Enfin, ce n'est pas la compagnie qui fera l'appel d'offres, mais bien la Commission générale des Adjudications, saisie à cet effet par les Gouvernements français et espagnol ou l'autorité tangéroise. La Commission des Adjudications pourra toujours formuler telles observations qu'elle jugera utiles s'il lui apparaît que le principe d'égalité économique est lésé sur quelque point.

Troisième Question.—Le Gouvernement de Sa Majesté britannique a remarqué avec surprise que l'adjudication des projets devait être dirigée par l'autorité de la zone intéressée à chacun d'eux et non par la Commission générale des Adjudications et

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Marchés, bien que l'article 6 de la convention franco-allemande spécifie expressément que les contrats concernant les chemins de fer, &c., seront accordés par le Gouvernement marocain selon les règles de l'adjudication, c'est-à-dire par l'entremise de la Commission générale, dont cette même convention prévoit explicitement le maintien.

Réponse.—Les renseignements donnés en reponse à la deuxième question sur la procédure prévue en matière d'adjudication et le texte même de l'article 7 du protocole répondent à la troisième question. L'article 7 stipule bien que les adjudications seront poursuivies dans chaque zone par les Gouvernements intéressés et il ne saurait en être autrement, puisque c'est par ces Gouvernements seuls que les dossiers peuvent être transmis à la Commission générale des Adjudications. Il a également, avant toutes choses, spécifié que "chaque projet ferait l'objet d'une adjudication unique au rabais sur série de prix, pour laquelle devaient observées les règles que stipule l'article 6, paragraphes 1 et 2, du traité franco-allemand du 4 novembre, 1911." C'est pour marquer son intention de remplir les obligations des deux paragraphes ci-dessus rappelés que le Gouvernement de la république a tenu à ce qu'ils fussent expressément visés dans le protocole.

Je ne doute pas que les explications qui précèdent ne donnent au Gouvernement britannique toute satisfaction.

Agréez, &c.
R. POINCARE.

[54430] No. 200.

Sir Edward Grey to Mr. White.

(No. 170.)
Foreign Office, December 27, 1912.

Sir,

I HAVE received Mr. Kennard's despatch No. 308 of the 14th instant requesting instructions in connection with a circular from the doyen of the diplomatic body relative to the acquisition by foreigners of Makhzen lands in Morocco.

The questions raised in the circular are of great complexity, and before coming to a decision in the matter I will await an expression of your views. I may observe, however, that I am disposed to agree that the recently issued French regulations should form the subject of a discussion by the diplomatic body. It is obviously desirable that, if these Makhzen lands are to be restored in the French zone, the same benefit should be conferred on the Tangier district, and the regulations would appear to contemplate this, since they refer to the whole Shereefian Empire.

I am, &c.
E. GREY.

[53846] No. 201.

Sir Edward Grey to Mr. White.

(No. 174.)
Foreign Office, December 27, 1912.

Sir,

I TRANSMIT to you herewith a copy of a note from the French Ambassador requesting the assent of His Majesty's Government to new regulations regarding the imposition of the tertib on foreigners and foreign-protected persons in Morocco.

In view of article 59 of the Algeciras Act, and the fact that His Majesty's Government assented to the tertib regulations of 1903, I am disposed to think that no objection can be raised in principle to the imposition of the tertib on British subjects and protected persons in Morocco. You are authorised accordingly to join your colleagues in discussing the new draft regulations, and I have informed M. Cambon accordingly. You will no doubt be able to obtain copies of these regulations from your French colleague.

It should of course be made clear that the tertib levied in the international district will accrue to the municipality. I do not think this point will be contested, since, in his memorandum of the 25th March last, M. Cambon specifies the tertib as one of the revenues of the future municipality. Until that body is formally constituted, the

Makhzen authorities will presumably collect the tax in the Tangier district, and it might be stipulated that they should eventually hand over the proceeds to the municipality.

I shall be glad to learn your views on the new draft regulations.

I am, &c.
E. GREY.

[55332] No. 202.

Sir F. Bertie to Sir Edward Grey.—(Received December 28.)

(No. 537.)
Paris, December 23, 1912.

Sir,

I HAVE the honour to acknowledge the receipt of your despatch No. 607 of the 14th instant, in which you request an expression of my views on the suggestion therein contained for obtaining from the French Government definite assurances respecting British missionary work in Morocco.

In view of the touchiness shown by the French Government in any question affecting British missionaries in Madagascar, I think that it would be preferable to avoid any mention of that island in connection with representations on behalf of missionaries in Morocco.

I beg leave to submit for your approval the draft of a note to M. Poincaré. I do not think that anything would be gained by putting forward, in present circumstances, a request for more definite assurances.

I have, &c.
FRANCIS BERTIE.

Enclosure in No. 202.

Draft of Note to M. Poincaré.

M. le Ministre,
Paris, December , 1912.

I HAVE the honour to inform your Excellency that I communicated to His Majesty's Government the contents of your note dated the 31st October on the subject of the future position of British missionaries in Morocco.

I have received instructions from Sir Edward Grey to state, when acknowledging the receipt of your Excellency's note, that His Majesty's Government, in full reliance on the assurances given by the French Government, are confident that the regulations to be issued will contain guarantees that British missionary work in Morocco will enjoy in the future the same liberty as in the past.

I am further directed to state that His Majesty's Government have observed with satisfaction that paragraph 2, article 8, of the recent Franco-Spanish convention enacts that: "Les deux Gouvernements s'engagent à faire respecter la liberté et la pratique extérieure de tout culte existant au Maroc," and that they assume that they are justified in considering that it is a further proof of the intention of the French Government to permit full liberty to British missionaries to carry on religious and educational work in the French sphere in Morocco.

[55599] No. 203.

Sir M. de Bunsen to Sir Edward Grey.—(Received December 30.)

(No. 178.)
Madrid, December 26, 1912.

Sir,

THE German Ambassador was good enough to show me to-day a note, dated the 23rd December, which he has received from the Spanish Government in reply to the second of the observations he was instructed by his Government to make to that of Spain with regard to the text of the Franco-Spanish Treaty concerning Morocco. The first observation as regards adjudication of works connected with the Fez–Tangier Railway had already been satisfactorily answered by the assurance given by Spain that these works would all be subject to adjudication. The above-mentioned note dealt, therefore, only with the further point raised by Germany, namely, the apparent

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inconsistency of the liberty claimed by each of the parties to tax tobacco as they chose after the year 1933, with the principle of the economic unity of Morocco alleged by Germany to underlie her treaty with France of the 11th November, 1911. The note is to the effect that, in the opinion of the Spanish Government, Germany could only be benefited by the abandonment of monopoly conditions by one of the two zones in question before it was abandoned by the other. As regards the objection which Germany would feel to a customs barrier between the two zones, the assurance is given that, even if different methods of taxing tobacco are adopted in the two zones, arrangements will be made to avoid any hindrance being placed at any time in the way of tobacco passing from one zone to the other.

Prince Ratibor was unable to say whether the Spanish note which he was forwarding to Berlin would be accepted by the German Government as a sufficient reply to the question raised.

I have, &c.
MAURICE DE BUNSEN.

[55332] No. 204.

Sir Edward Grey to Sir F. Bertie.

(No. 633.)
Sir, *Foreign Office, December* 31, 1912.

I HAVE received your Excellency's despatch No. 537 of the 23rd instant, and I approve the terms of the note which you propose to address to the French Government on the subject of the future position of British missionaries in Morocco.

I have, &c.
E. GREY.

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